URBIS

Clause 4.6 Variation Request – Building Height

11-23 Rangers Avenue, Mosman

November 2025

Prepared for: Grand Noble Project 1 Pty Ltd

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Report Number	Final

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We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.
We pay our respects to First Nations Elders, past and present.

Urbis is committed to incorporating our respect for First Nations cultures, peoples and storytelling in our work across the Country. We are proud to have partnered with Darug Nation artist, **Hayley Pigram**, and to profile her artwork - **Sacred River Dreaming**.

The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

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Request to vary the Maximum Building Height Development Standard Under Section 16(3) of the Housing SEPP

Address: 11-23 Rangers Avenue, Mosman

This Clause 4.6 Variation Request has been prepared in relation to a State Significant Development Application (**SSDA**) SSD-96272465 for an in-fill affordable housing development and should be reviewed in conjunction with the Environmental Impact Statement dated November 2025 and accompanying architectural plans..

1. Site Description

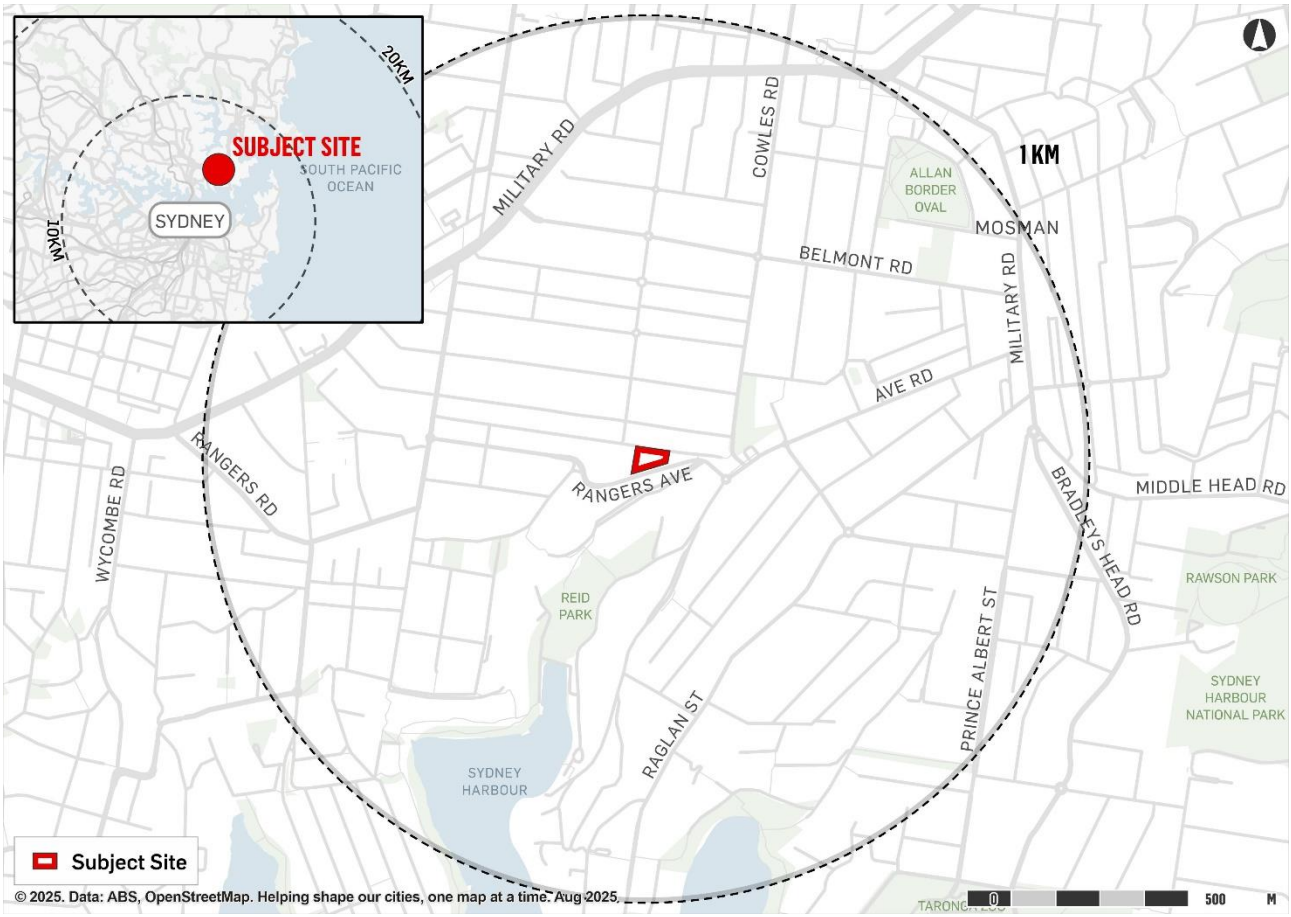
The table below summarises the key features of the site and the land to which the subject SSDA relates.

Table 1 Site Description

Characteristic	Description
Street Address	11-23 Rangers Avenue, Mosman
Legal Description	• Lot 42/DP2509 (11 Rangers Avenue) • Lot 41/DP2509 (13 Rangers Avenue) • Lot 2/DP748842 (15 Rangers Avenue) • Lot 1/DP748842 (17 Rangers Avenue) • Lot 39/DP2509 (19 Rangers Avenue) • Lot 38/DP2509 (21 Rangers Avenue) • Lot 37/DP2509 (23 Rangers Avenue)
Site Area	3,594m2
Land Configuration	The approximate dimensions of the site are as follows: 64m x 78m x 28m x 85m. The highest point is located at the north-western corner (RL 54.2) and the lowest point at the south-east corner (RL 44.26), with a diagonal cross fall of approximately 10 metres across the site.
Land Ownership	Each of the lots are individual ownerships, with Grand Noble Project 1 Pty Ltd being the applicant for the development.
Existing Development	The site currently consists of a mix of single, two, three and four-storey detached dwellings fronting Rangers Avenue, except for 15–17 Rangers Avenue which contains semi-detached dwellings.
Local Context	The surrounding locality is described below: • **North**: The northern boundary adjoins Bloxsome Lane, with the Holt Estate Conservation Area located to the north. This land is zoned C4 Environmental Conservation Area. • **East**: The R3 zone continues along Rangers Avenue toward the Avenue Road and beyond. The Avenue Road shopping village zoned E1 Local centre sits as a midpoint to the commercial strip further east on Military Road.

	• **South**: Land adjacent to the site and on the lower side of Rangers Avenue is also zoned R3 medium density residential. The land falls steeply into a gully and biodiversity corridor zoned C2 Environmental Conservations into Reid Park zoned RE1 below. • **West**: A mix of R2 and R3 residential zones extend to the surrounding suburbs. These zones predominately meet the harbour, often featuring C2 Environmental Conservations and RE1 public recreation zones for public access to the foreshore of Sydney Harbour.
Regional Context	The site is located in with the Mosman LGA and is less than 800m walking distance to Cremorne Town Centre. The site also has convenient access to the Sydney CBD with a distance of only approximately 4km from Circular Quay.
Infrastructure	The site is well serviced by public transport with Military Road providing a key transport corridor to the north, Avenue Road linking local centres to the east, and Spofforth Street to the west. Public transport is readily available, including frequent bus services along Spofforth and Military Road and ferry services from Mosman Bay.
Site Access	The site is accessed from both Rangers Avenue and Bloxsome Lane.
Services	Water connection points, sewer, gas and electricity are located within the vicinity of the proposed development.
Stormwater and Flooding	The site is mapped close to a draft Flood Planning Area. An integrated Water Management Plan has been prepared by BG&E to assess stormwater management requirements for the site. The proposal will install a pit and pipe network along Rangers Avenue to cater for the proposed development and the Council pit and pipe network and divert stormwater from the road. An On-site Detention (OSD) tank will also be constructed, and the stormwater for the whole development will be drained into the OSD tank.
European Heritage	The site is adjacent to the Holt Estate heritage conservation area to the north. On the southern Rangers Avenue boundary, the divided road and sandstone wall are listed local heritage item No. 438. A modern concrete and brick residential flat building located opposite No. 13 Rangers Avenue at 36A Park Avenue is a listed Heritage Item in the Mosman LEP Item No. 201. The steps at Bloxsome Lane road reserve (adjacent to 9 - 9A Rangers Avenue) are a listed heritage item No. 331 in the Mosman LEP.

Figure 1 Location Plan of Regional Site Context



Source: Urbis (2025)

Figure 2 Site Location Plan

Source: Nearmap 2025 (edited by Urbis)

Figure 3 Site and Locality Photographs

Picture 1 View west of the existing staircase towards Rangers Avenue

Picture 2 Corner Bardwell Lane and Bloxsome Lane, looking east toward the site.

Picture 3 View West along Rangers Avenue with 11 Rangers in the foreground, right

Picture 4 View East along Rangers Avenue

Source: Urbis

2. Proposed Development

The SSDA seeks development consent for the following:

- Demolition of the existing structures on the sites at 11 -23 Rangers Avenue and removal of the vehicular crossovers an Bloxsome Lane
- Removal of 21 trees
- Excavation to a depth of approximately 10m
- Construction of part 6, part 7-storey residential flat building comprising:
  - 44 Residential apartments.
  - 10 affordable housing apartments to be managed by community housing provider *Homeground* for a 15-year period. (equivalent to 15% of proposed residential GFA proposed).
  - Communal open space and associated site landscaping
  - Two and a half levels of basement for 80 residential parking spaces and 11 visitor parking spaces as well as 12 bicycle parking spaces, 2 motorbike parking spaces with access form Rangers Avenue
  - Storage, plant and essential services.
  - level parking with car, bicycle and motorbike parking spaces; with waste storage areas and plant
- Vehicular access from Rangers Avenue, in the location of the current access (current vehicle access from Bloxsome Lane, including eight existing crossovers, will be removed)
- Rebuilding the existing sandstone retaining wall on the Rangers Avenue

The proposed site plan of the development is shown in **Figure 4.**

Figure 4 Proposed Building Layout

Source: Woods Bagot (2025)

Planning Instrument, Development Standard, And Variation

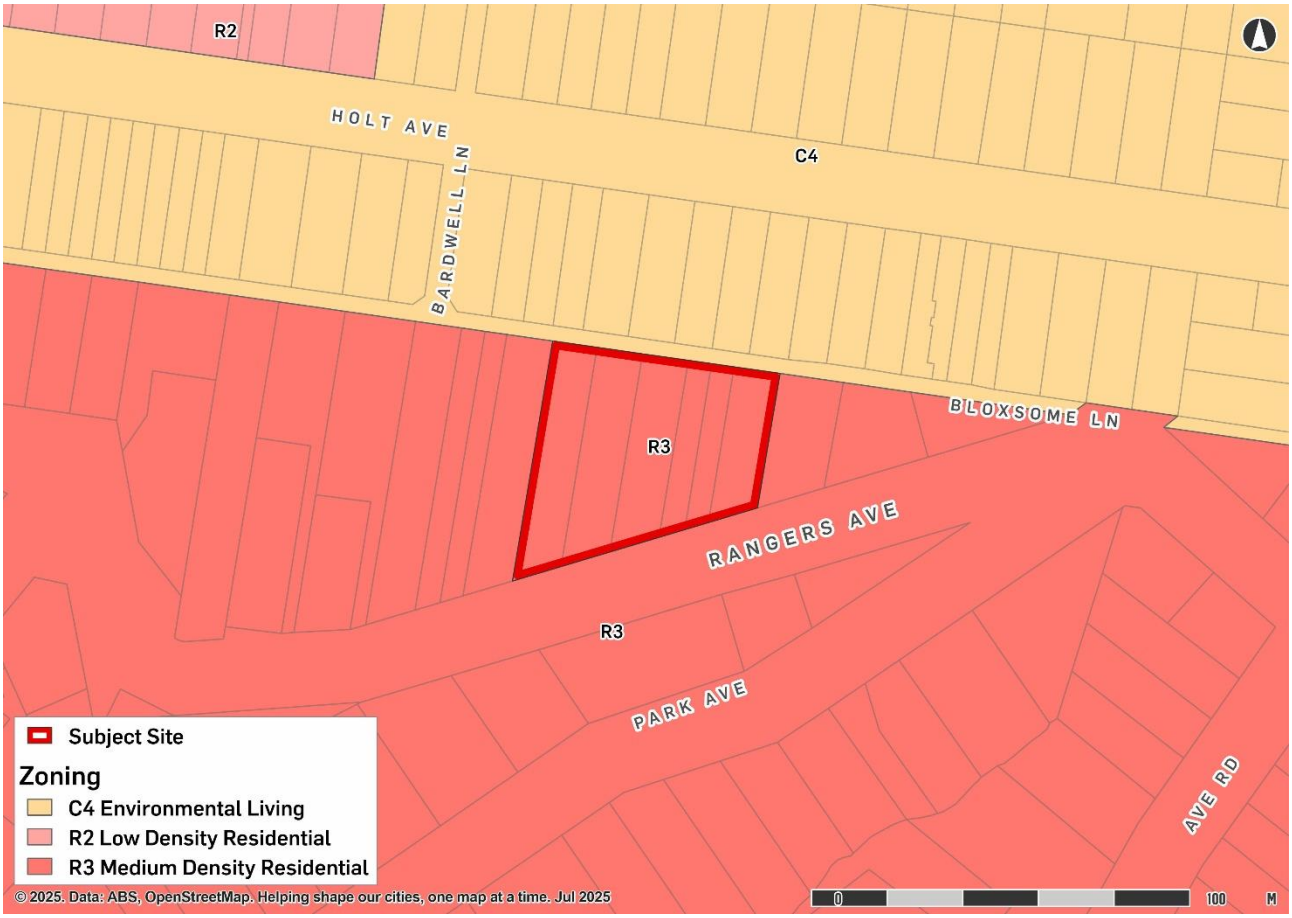
3. Environmental planning instrument sought to be varied

This request seeks to vary the *State Environmental Planning Policy (Housing) 2021* (**Housing SEPP**).

4. Zoning of the site

The site is zoned R3 Medium Density Residential under the Mosman LEP 2012 (MLEP).

Figure 5 Land Use Zoning



Source: Urbis

5. What is the development standard to be varied

The standard proposed to be varied is the maximum height of the building development standard under Part 2, Division 1, Clause 16(3) of the Housing SEPP. Part 2, Division 1, Section 16(3) of the SEPP states:

> ***16 Affordable housing requirements for additional floor space ratio***
>
> *(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).*
>
> *(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—*
>
> *Affordable housing component = additional floor space ratio (as a percentage) ÷ 2*

(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).

(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.

The site is located within 800m walking distance to the Cremorne Town Centre. The building height is therefore established under Section 176 and 180 of the Housing SEPP, which permits a maximum building height of 17.5m.

Pursuant to clause 4.3 of the MLEP 2012, the site has a maximum building height for the site of 8.5m. However, as the Housing SEPP establishes a building height control for applicable land within the LMR area, the SEPP states that where *"there is an inconsistency between this Policy and another environmental planning instrument ….. this Policy prevails to the extent of the inconsistency."*

Therefore, the maximum building height of 17.5m as established under the section 176 of the Housing SEPP, prevails.

The proposal provides 15% of the Gross Floor Area as affordable housing and is therefore eligible to utilise the full 30% uplift in building height available under Section 16(3) of the Housing SEPP. This results in a maximum height of building development standard of **22.75 metres.**

The height of buildings development standard is not excluded from the operation of Clause 4.6 of the LEP.

The objective of the in-fill affordable housing provisions of the Housing SEPP is as follows:

15A Objective of division

The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.

The objectives of the height of building development standard in the **LEP** are as follows:

(a) for development on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone C4 Environmental Living—

(i) to share public and private views, and

(ii) to minimise the visual impact of buildings particularly when viewed from the harbour and surrounding foreshores, and

(iii) to ensure that buildings are compatible with the desired future character of the area in terms of building height and roof form, and

(iv) to minimise the adverse effects of bulk and scale of buildings,

7 Type of development standard

The request seeks to vary the numerical height of building control.

8 What is the numeric value of the development standard in the environmental planning instrument?

Under the Housing SEPP, the maximum height of buildings is 17.5m. With the in-fill affordable housing incentive provisions, the maximum building height development standard is **22.75m.**

9 What is the difference between the existing and proposed numeric values? What is the percentage variation?

The maximum permissible building height is 22.75m. As the site is a sloping site, which varies from south west to the south east, the height variation follows the natural topography of the land.

In this regard, the building height is as follows at the relevant points:

- North western corner: 19.95m
- South western corner: 19.95m
- North eastern corner: 22.57m
- South eastern corner: 25.59m

The proposed variation to the maximum building height is therefore localised to the south eastern corner representing 3.41% of the overall site and 0.66% of the overall building volume.

The variation is set out in **Table 2.**

Table 2 Maximum Extent of Variation

Control	LMR Control	Building Height Standard (inc. +30%)	Maximum Height Proposed	Extent of Variation
Building height	17.5 metres	22.75m	24.37m (RL71.8) 25.59m (RL71.8)	1.62m (7.12%) 2.84m (12.48%)

The variation largely relates to upper level wall height, portions of the roof and south facing living areas.

10 Visual representation of the proposed variation

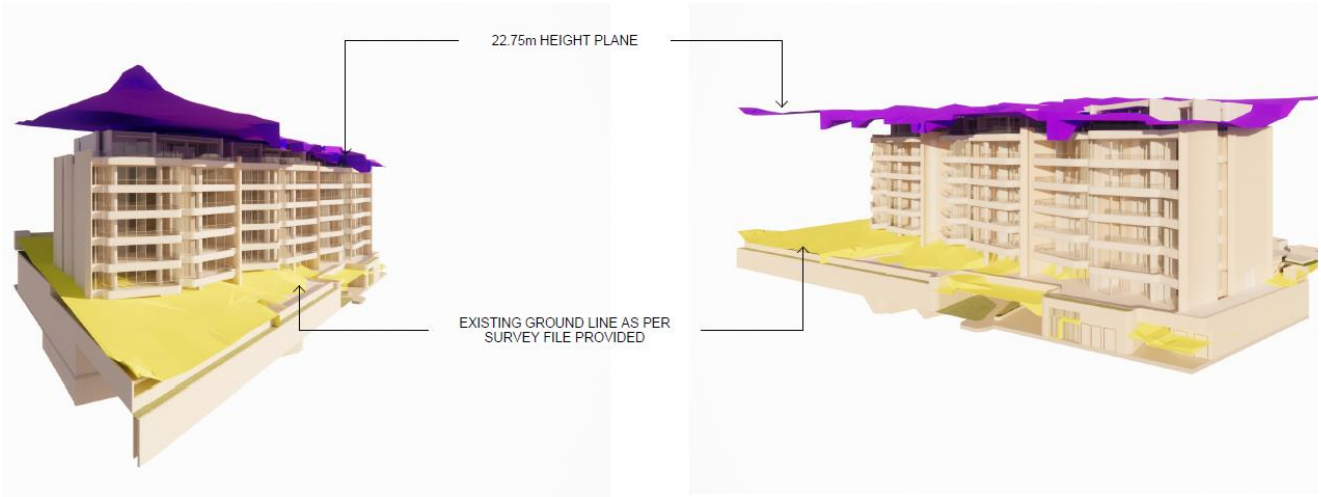
The height plane extrapolated across the site is shown in purple. The height plane has been measured based on survey data of the existing ground levels across the site.

The extent of the proposed variation is shown within height plane diagram at **Figure 6.**

Figure 7 illustrates the building as viewed from the north east, demonstrating that the building height sits well under the height plane, when viewed from the neighbouring properties.

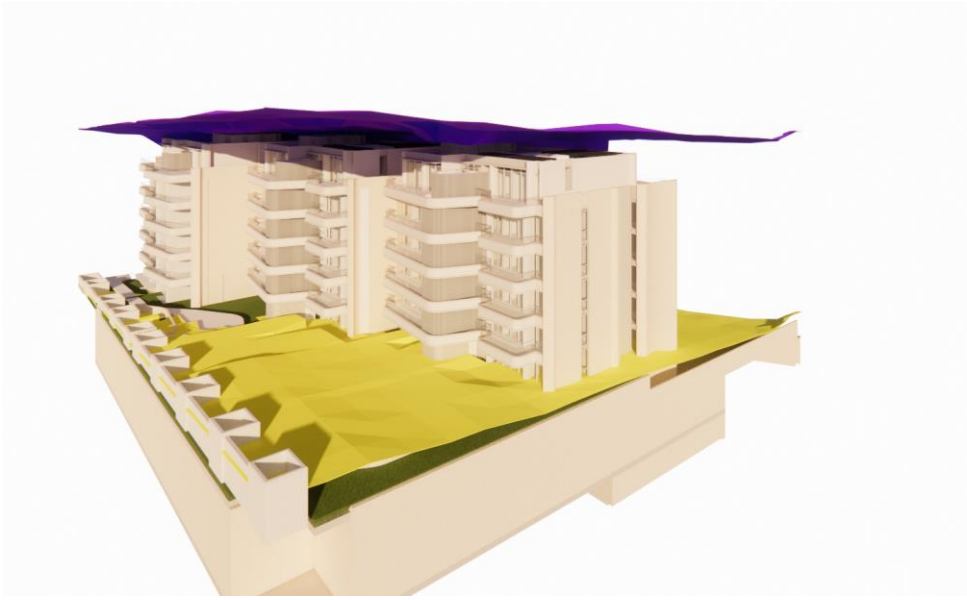
The extent of variation is also shown within the selected sections at **Figure 8** confirming that the variation is a direct result of the sloping topography across the site, with the building height protruding above the height plane, in a localised area, where the sit drops away.

Figure 6 Height Plane Diagram, as viewed from the south west (left) and south east (right), showing the localised extent of the variation, where the topography falls away.



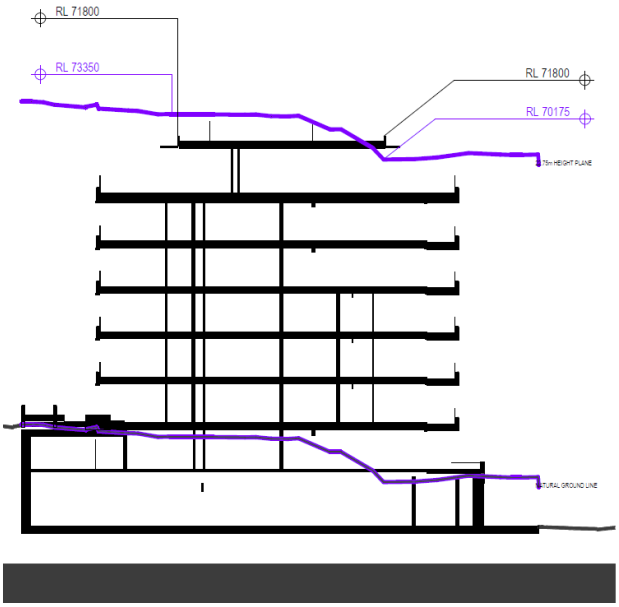
Source: Woods Bagot (2025)

Figure 7 The building as viewed from the north east, confirming that the development (including building services) sits well under the height plane.

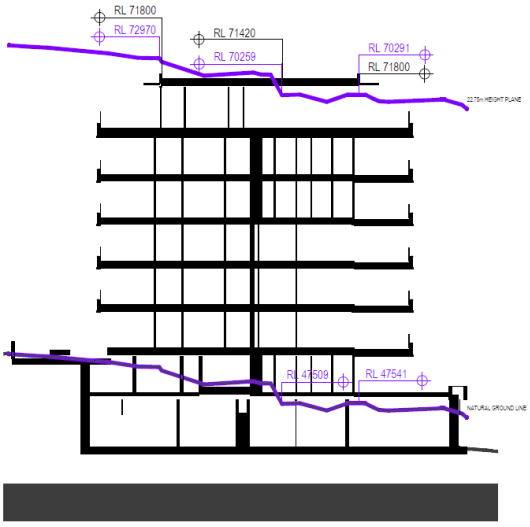


Source: Woods Bagot (2025)

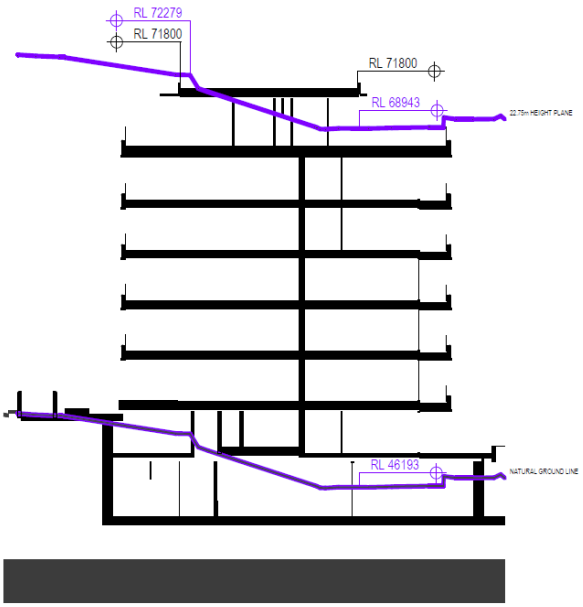
Figure 8: Depiction of Height Plan Sections 9-12 which have components that exceed the mapped height plane



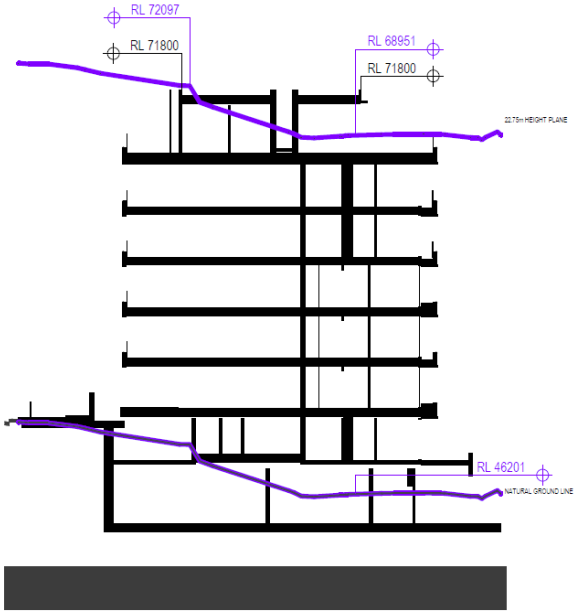
9. Height Plane Section 9



10. Height Plane Section 10



11. Height Plane Section 11



12. Height Plane Section 12

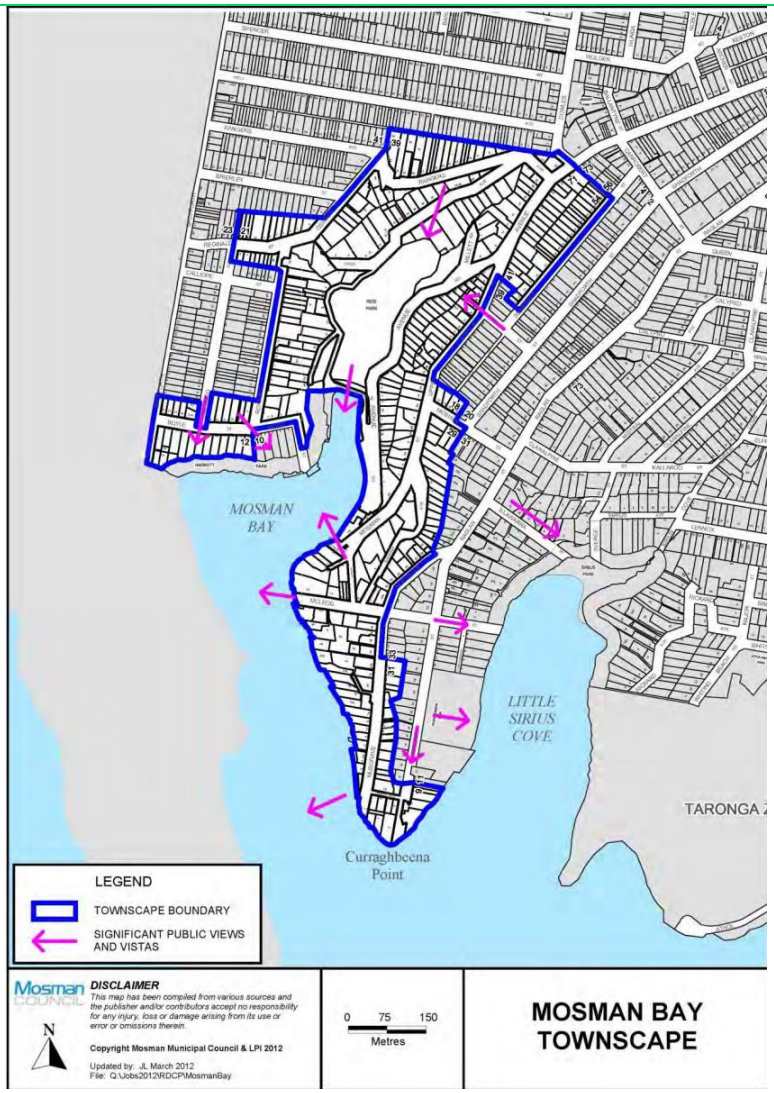
Source: Woods Bagot (2025)

Justification for the Proposed Variation

11 How is compliance with the development standard unreasonable or unnecessary in the circumstances

Table 3 Justification of proposed variation

Key Questions	Response
a) Are the objectives of the development standard achieved notwithstanding the non-compliance?	For completeness, this section addresses both the objectives of the infill affordable housing provisions of the Housing SEPP and the objectives of the height of building development standard of the Mosman LEP 2012. **Objective of Part 2, Division 1 of the Housing SEPP** ***15A The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.*** The proposal dedicates 15% of the total GFA as affordable housing which equates to 10 affordable housing apartments (1,051 sqm of GFA). The affordable housing component has been carefully designed to ensure high levels of amenity and a variety of housing typologies that will meet the expected needs and profile of the affordable housing tenants. The development provides affordable housing for those on very low, low, to moderate incomes in a highly desirable location, close to amenities, public open space, schools and within proximity to public transport that provides connections to hospitals and other key services. The affordable housing will be managed by Home Ground, a reputable Tier 1 Community Housing Provider. **Objectives of Clause 4.3 under the MLEP** *(i) to share public and private views, and* A Visual Impact Analysis has been conducted by Urbis (refer to **Appendix CC**) which supports the proposed SSDA. The site is identified as being within the Mosman Bay Townscape area. The Mosman DCP identifies significant public views and vistas to be retained, as illustrated below. The site is located at the northern end of the townscape area and sits mid-way on the ridge line. In proximity to the site, public domain views are to be retained from Rangers Avenue reserve, of which the proposed development would not impact on identified public views. The Holt Estate HCA Townscape area sites to the north of the site. A review of the DCP confirms that there are no public views identified across the site, of which the development would impact.



In relation to private domain views, the site is located to the south of a heritage conversation area, with those dwellings being of 1-3 storeys in height.

At this interface, the proposed development sits comfortably below the maximum building height.

The portion of the building which protrudes above the height limit, is located in the south eastern corner and therefore, would not have any adverse or detrimental impact on view loss from any private dwellings to the immediate north of the site.

(ii) to minimise the visual impact of buildings particularly when viewed from the harbour and surrounding foreshores, and

As illustrated in the submitted VIA, five public view locations were undertaken from the harbour and foreshore area. This includes:

PM01 – Cremorne Reserve Path

PM02 – Mosman Bay Wharf

PM03 – Mosman Bay Marina

PM06 – Old Cremorne Wharf

The location of those view points from the harbour and foreshore are illustrated below:

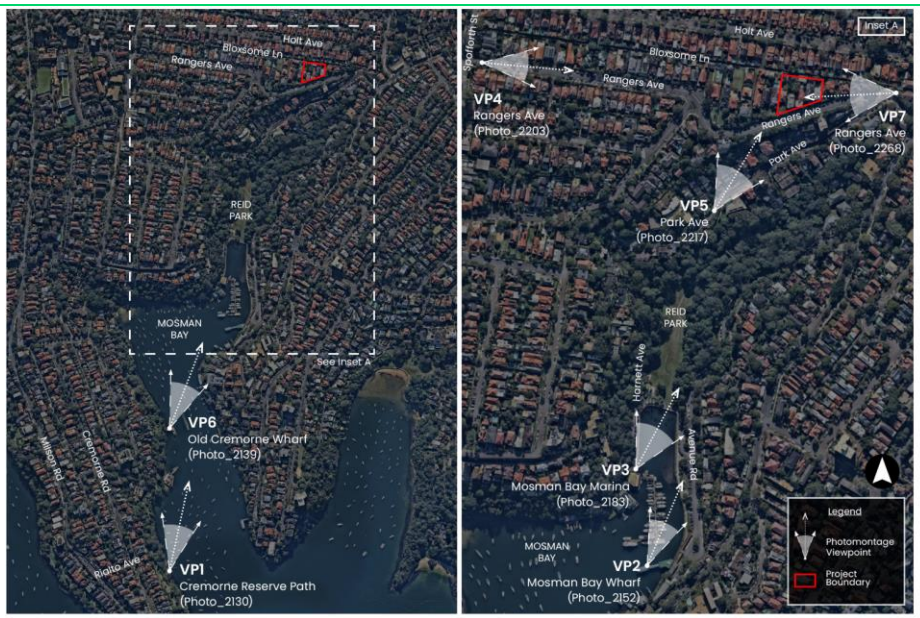


Figure 19 Photomontage location map.

The VIA analysis confirms that:

- PM01 – the south eastern part of the building would not be visible from this location and the residential flat buildings within the foreground obscure this view.
- PM02 – the proposed development as a whole would not be visible from this location as it is obscured by vegetation and built form.
- PM03 – the south eastern part of the building would not be visible from this location as it sits below the canopy line. Only the northern eastern façade is visible, in a similar matter to other upper level building forms within the harbour area.
- PM06 – the proposed built form would be visible from this angle, as the building sits on the upper part of the ridge line. Most of the existing dwellings along this ridgeline are visible from the foreshore, with the vegetation canopy line, matching the topography of Rangers Avenue. As the scale and form of the upper level is consistent, the height variation would not be discernible from a public perspective and would read as a single element, as illustrated below.

  It is also noted that the urban context from this view is anticipated to change, in response to the newly formed planning controls and therefore, in that future context, the proposed development would be consistent in height, bulk and scale when viewed from this angle.

  It is also noted that there are a number of older style residential flat buildings within the immediate foreground of a similar scale, form and character and it is therefore likely that the development will blend into this expected future urban character, established by the planning controls.

(iii) to ensure that buildings are compatible with the desired future character of the area in terms of building height and roof form, and

Mosman is of moderate density, predominantly characterised by single and double storey detached dwellings, 3-4 storey walk-up residential flat buildings, and isolated residential blocks and towers.

The site is located within the identified Mosman Bay Townscape Area. This area sits on a ridge line heading towards Mosman Bay and is characterised by a range of single dwellings, manor homes and residential flat buildings of varying scale and type, with many built during the 60's and 70's. The land to the north is of lower scale detached dwellings, commensurate with the heritage conservation area of which it is located. This area is of a different character to that of the site and land to the south.

The site is also located within the LMR area which is subject to new planning controls of 4-8 storeys in height and therefore the built form context is set to undergo a period of urban change. The proposed development is consistent with the building heights of this future character. It is also noted that modern buildings are designed with flat roof forms, often comprising recessed upper levels with generous private open space, of which the proposed development is consistent with. The proposed height variation is very localised to the south eastern edge of the building on a whole, would not be discernible within the future urban context.

(iv) to minimise the adverse effects of bulk and scale of buildings,

The character of Mosman is comprised of other components, such as sandstone and rock walls, dense landscape and intervening building forms. The proposed development retains and enhances the rock wall along the Rangers Avenue frontage, and utilises the existing the basement opening off Rangers Avenue, to remain in keeping with this streetscape. The built form steps along the frontage, consistent with the varied nature of setbacks to Rangers Avenue and provides for dense landscaping with tall canopy trees, reflective of the landscape character of Mosman.

At the rear of the site, the proposal includes a substantial setback to the heritage conservation area and a low scale masonry fence that provides for a sense of opening and visual relief between the two distinct character areas. Tall trees of up to 15 metres will be planted along the northern boundary to reduce the sense of scale from the north. As the topography

	slopes from north to south, the lower levels of the building would be largely immersed within the landscaping setting, with the upper levels being visible. At this frontage, the built form is entirely located under the height plane and therefore the exceedance has no bearing on the bulk and scale as viewed from the north. The site is located at the eastern junction of Rangers Avenue. As result of the road pattern, and the dip in topography, the site would become visible at the intersection of Rangers Avenue and Park Avenue. From this angle, the proposed height exceedance would be most visible however this would be brief and transitory, as people move along the road network. Overall, the additional height however has low visual impact in terms of overall bulk and scale as it seamlessly blends with the overall development. It is not considered to result in any adverse impacts beyond that of a compliant development, given the localised nature. From a visual impact perspective, the variation results in no different to the weighting scale, in that it would be considered low – medium within the urban and visual context. Other environmental impacts of the non-compliance are discussed further below.
b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)	N/A
c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)	N/A
(d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard?	N/A
e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?	N/A

As demonstrated above, the objectives of the infill affordable housing provisions of the Housing SEPP and the MLEP height of buildings development standard are achieved notwithstanding the proposed contravention.

12 Are there sufficient environmental planning grounds

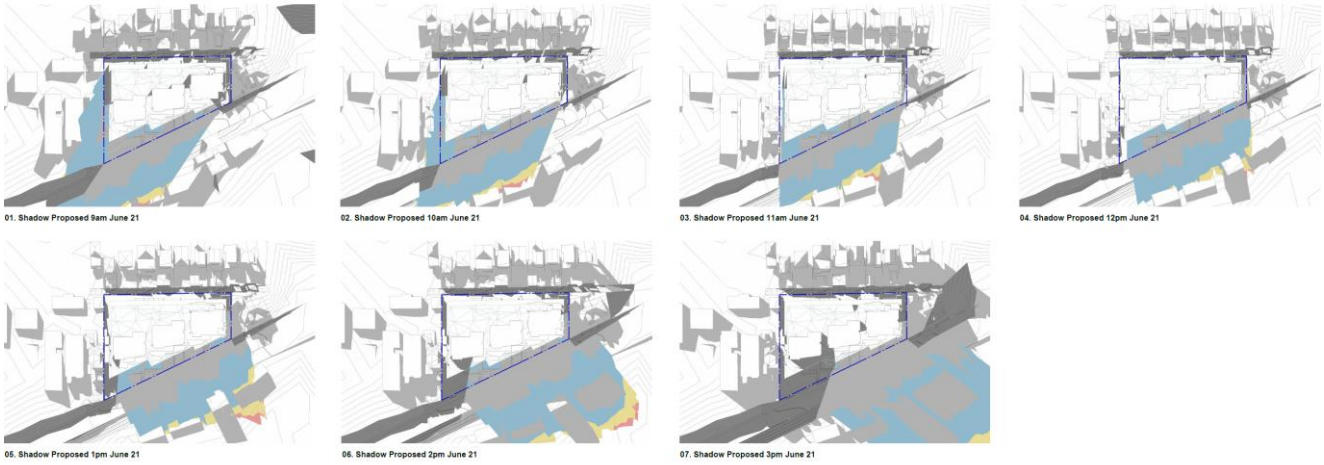
There are sufficient environmental planning grounds to justify contravening the development standard for the following reasons:

- **Overshadowing**: The overshadowing diagrams prepared by Woods Bagot demonstrated that the portion of the built form exceeding the height limit results in a minor slither of additional overshadow that would not give rise to any additional non-compliances. The additional overshadowing is shown in orange below.

  On June 21st, the shadow largely falls with the Rangers Avenue road reserve and along the northern façade of the properties to the south. The land to the south falls away, with the properties built into the steep sloping topography, and largely at grade with Park Avenue. The northern / rear yards of the dwellings are designed with extensive bushy landscaping, separating the buildings from Rangers Avenue. Adjacent to the site, and from Rangers Avenue, these dwellings are not readily visible. The single residential flat building that is visible has a predominately blank northern façade, with their primary outlook to the south and to the harbour. This building is designed with at-grade carparking off Rangers Avenue, and is approximately two storeys in height, when viewed from this frontage. There are two north facing windows, however these apartments have a dual aspect to the south and west with high levels of glazing along the western façade.

  The non-compliant component of the building is not expected to result in any discernible overshadowing impacts beyond that of a compliant envelope, given the shadow falls on vegetation, on the roof of the dwellings or to the south, on Park Avenue.

Figure 9 Shadow Diagrams (Winter Solstice), noting the orange section that depicts the additional overshadowing.



- **Massing and Built Form:** The area of non-compliance relates to a localised point within the south eastern corner where the topography steeply falls away. The majority of the building fits comfortably within the permitted height plane. The proposed built form and overall design has been well considered resulting in a linear building form that appears as 4-5 storeys from the north and sits within the sloping topography towards Rangers Avenue.

  Given the sensitivities to the north and the proposed vision to create a landscaping setting and sense of opening and visual separation to the HCA, the proposed development outcome is considered to result in the optimal approach.

For the reasons detailed in this request, the variation to building height standard of the Housing SEPP is well-founded and justified and there are sufficient environmental planning grounds to warrant contravention.

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