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Clause 4.6 Variation Request – Wall Height

11-23 Rangers Avenue, Mosman

November 2025
Prepared for: Grand Noble Project 1 Pty Ltd

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Report Number	Draft 01

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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 Wall Height Development Standard Under Section 4.3A(4) of the Mosman Local Environmental Plan 2012

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

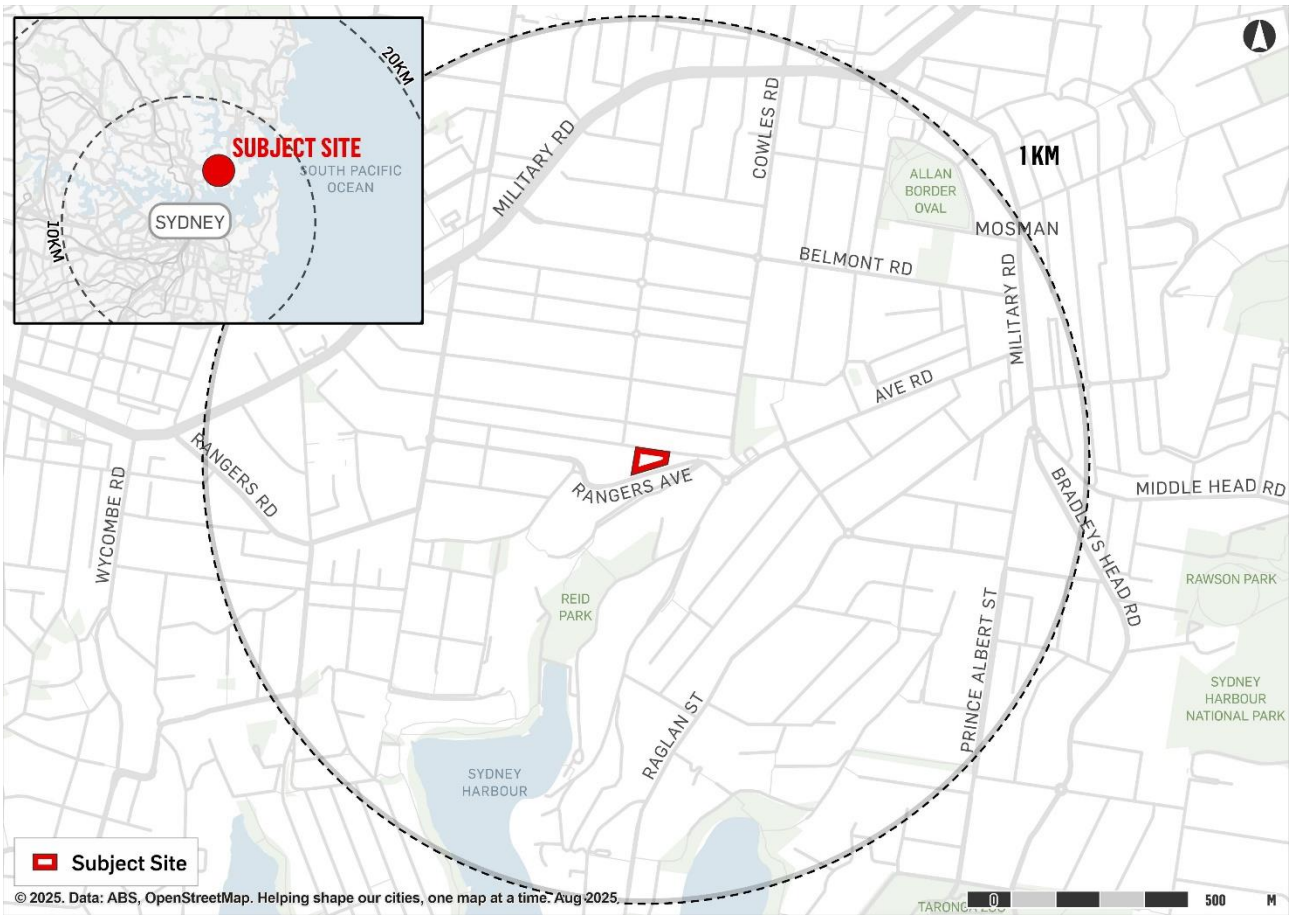
The table below summarises the key features of the site and the land to which the subject SSDA relates.

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

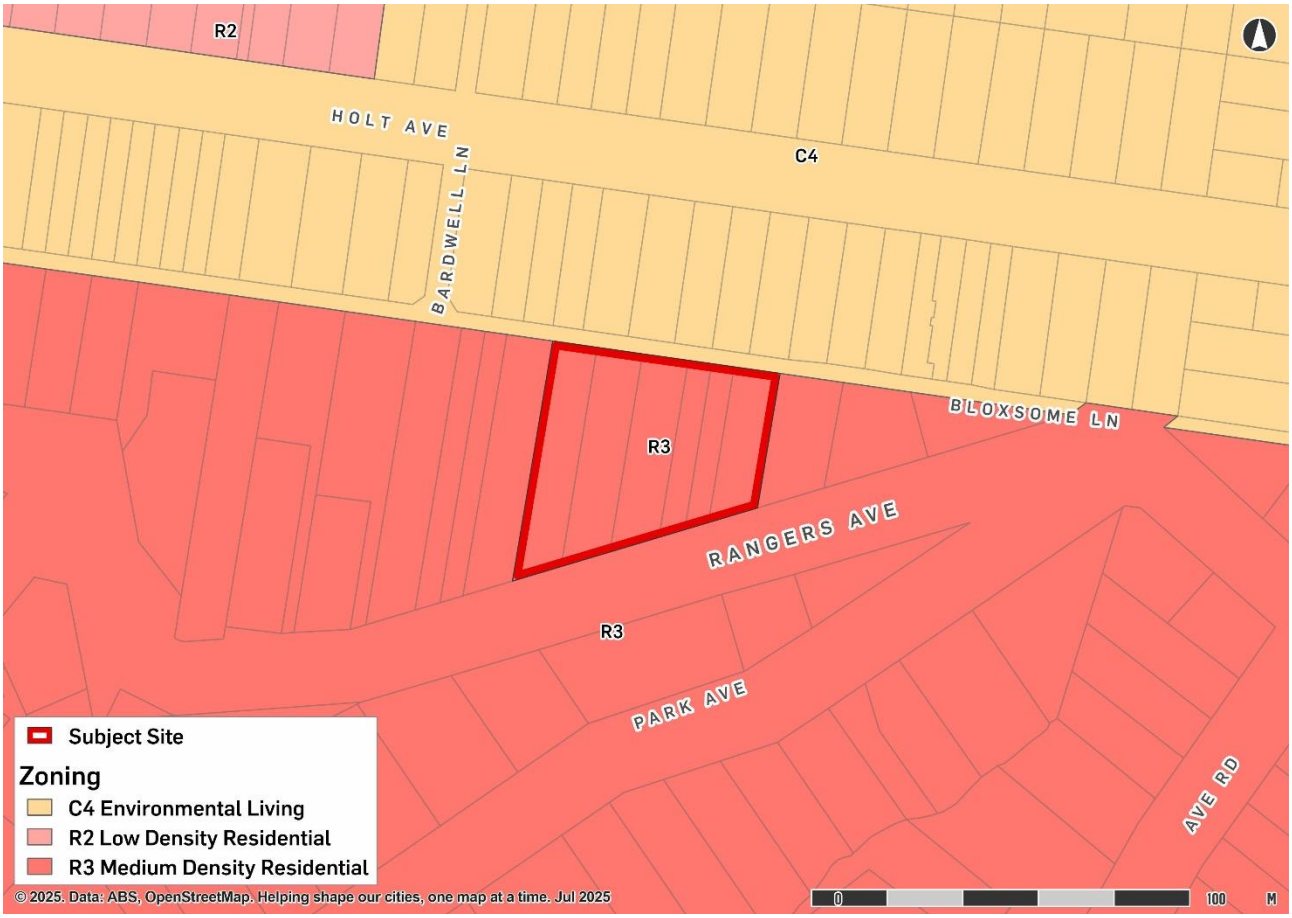
3. Environmental planning instrument sought to be varied

This request seeks to vary the *Mosman Local Environmental Plan 2012* (**Mosman LEP 2012**).

4. Zoning of the site

The site is zoned R3 Medium Density Residential under the MLEP.

Figure 5 Land Use Zoning



Source: Urbis

5. What is the development standard to be varied

The proposed development standard to be varied is clause 4.3A height of buildings (additional provisions) of the Mosman LEP.

This clause applies to all land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone C4 Environmental Living to which a maximum building height of 8.5 metres applies as shown on the *Height of Buildings Map*.

The Height of Buildings map is extracted below in Figure 6, which highlights that the site is mapped as having maximum building height is 8.5m under the Mosman LEP 2012.

Figure 6 Maximum Building Height, as per the LEP

Source: Urbis

7 Type of development standard

The request seeks to vary the numerical wall height control.

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

The numerical value of the development standard is **7.2m.**

wall height *means the vertical distance from ground level (existing) to—*

(b) the underside of the eaves at the wall line, parapet or flat roof, whichever is highest, or

(a) for a building with a mansard roof—1.8m above the finished floor level of the roof space.

9 Variation to development standard

The proposed variation to the maximum wall height is set out in **Table 2.**

Table 2 Maximum Extent of Variation

LEP Control	Maximum Wall Height Proposed	Extent of Variation
7.5m metres	South east: 20.3m (RL69)	12.8m
	South west: 20.7m (RL69)	13.2m

Justification for the Proposed Variation

9. How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?

Key Questions	Response
a) Are the objectives of the development standard achieved notwithstanding the non-compliance?	This section addresses the objectives of the Section 4.3A (1A) of the Mosman LEP 2012. **Objectives of Section 4.3(A) Height of buildings** *(a) to provide for view sharing,* The application of the 7.2m wall height control is intended to apply to land that has a mapped height of 8.5m. The LMR introduces a height of 17.5m for the site which prevails over the mapped height within the LEP. As such, the wall height is in direct conflict with the aims and intent of the LMR policy and this variation has therefore been prepared on a precautionary basis given that the height under Section 180 of the Housing SEPP prevails over the Height in the MLEP 2012. Notwithstanding the above, the overall intent of the clause is to provide for a reduced scale at the topmost portion of the building to provide for view sharing in between buildings. In this regard, the proposed upper level provides for increased setbacks of 1.5m – 2.5m from the level below. The upper level is designed as three separate building forms, which are adequately separated to promote view sharing along the edge of the site and through the centre of the site. *(b) to minimise the adverse effects of the bulk and scale of buildings,* Along Bloxsome Lane, the building has been set back as far as 24.1m to reduce its visual impact from the street. The proposed ground floor sits significantly below the existing ground level - particularly on the south-western corner of the site - a deliberate strategy to minimise the apparent height of the building. As a result, Level 1 is partially sunken, and the building presents as four visible storeys above the lane, with a fifth level further recessed to reduce its prominence. Given the above, and in combination with the extensive landscaping at the rear of the site, a two storey wall height would not be readily perceived from those users along Bloxsome Lane or adjacent to the site. In the context of the overall development, it would have limited impact on the bulk and scale of the development. On Rangers Avenue, there is an established a street datum just above the existing rock formations, aligning with the existing sandstone walls. This datum and material expression extend to the south-eastern corner, forming a podium base for the residential component above. In doing so, the perceived scale of the development from Rangers Avenue is softened by the podium and the incorporation of lush landscaping.

	The existing rock form and sandstone base, in part, acts as a podium form and level, with the building setback 3m-10m from the Rangers Avenue frontage. The combination of the above therefore reduces the visual bulk and scale of the building, particularly when viewed from the south west. *(c) to encourage 2-storey buildings consistent with the desired future character of the area.* Section 180(3)(b) of the Housing SEPP prescribes a maximum building height of 17.5m It is a non-discretionary standard, that if complied with, the consent authority can not require a more onerous standard to be applied. If more onerous standards are contained in another EPI (such as the Mosman LEP), the non-discretionary development standards prevail to the extent of that inconsistency. The maximum wall height control (being 7.5m, which encourages two storey buildings is directly inconsistent with the maximum building height prescribed by the LMR controls. The desired future character of the LMR is defined as buildings which range in height from 4 – 8 storeys, and where applicable, the application of the 30% infill affordable housing (IAH) bonus can be applied. The proposed development complies with the building height controls and desired future character, as established by the LMR and IAH controls.
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

10. Are there sufficient environmental planning grounds to justify contravening the development standard?

Yes.

- The wall height control originates from a lower density planning context, which is in direct conflict with the building height prescribed to the site under the LMR controls.
- The wall height control under the MLEP 2012 has been designed in the context of a building that has a maximum permissible height of 8.5m and therefore a correlating 2 storey building height and associated wall height is appropriate.
- The LMR controls prevail over both the building height and height in storey control under the MLEP, and indirectly prevails over the wall height control (which is directly related to height and height in storeys). This is inferred given that the development standard is stated 'height of buildings (additional provisions) and falls as a sub-section to the height of buildings standard. This clause 4.6 has been prepared on a technicality, as the LMR does not prescribe a wall height control. It is unreasonable for a development to achieve a wall height that is in direct conflict with the overall building height control.
- Notwithstanding, the proposed development has been designed to have a reduce scale and form at the upper level, with breaks within the building envelope that would promote visual sharing and reduce the bulk and scale – consistent with the intent of the wall height control.
- From the Rangers Avenue frontage, the overall design of the building sits atop a rock base and is substantially setback, creating a podium form with the rock wall acting as a visual and physical barrier and forming a wall height in and of itself.
- From the Bloxsome Lane frontage, the proposed development sits below the RL of Bloxsome Lane and is screened by the height of the boundary wall and the extensive landscaping proposed along with the northern portion of the site. Any defining wall height would not be directly visible from the streetscape.

For the reasons detailed in this request, the variation clause 4.3A – height of buildings (additional provisions) is well-founded and justified and there are sufficient environmental planning grounds to warrant contravention.

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