

FORMAL OBJECTION REGARDING STATE SIGNIFICANT DEVELOPMENT (SSD-96272465) - 11-23 RANGERS AVENUE, MOSMAN

Submitted by the Owners of 27 Rangers Avenue, Mosman NSW 2088

Date: Tuesday 9 December, 2025

To: Department of Planning, Housing and Infrastructure (DPHI)

Re: SSD-96272465 - Residential Flat Building, 11-23 Rangers Avenue, Mosman

EXECUTIVE SUMMARY

As the owners and long-term occupants of 27 Rangers Avenue - the property two allotments west of the development site - we submit that the development proposal SSD-96272465 should be refused or substantially re-designed as it fails requirements on multiple fundamental grounds. Specifically it:

1. **Fails to Achieve Acceptable Built Form Transition** from a 22.75-metre tower to existing low-density residential development, contrary to the ADG's explicit requirements for increased setbacks when adjacent to lower-density zones.
2. **Violates the Public Interest Test** by constituting premature and unordered development that prejudices the strategic planning process currently being undertaken by Mosman Council with State Government in-principle agreement;
3. **Imposes Inequitable Development Burdens on Adjacent Properties** by externalising the full weight of ADG separation requirements onto neighbouring sites. Cascading geometric implications then make redevelopment of these sites unfeasible or impossible, limiting ability to deliver additional housing to the Mosman area.
4. **Fails the Statutory Legal Test** by relying on an invalid claim to the In-fill Affordable Housing (IAH) density bonus due to the Heritage Item I438 exclusion;
5. **Fails the Mandatory ADG Consideration Requirements** under Section 147 of the State Environmental Planning Policy (Housing) 2021, which requires the consent authority to consider the Apartment Design Guide before granting consent - the proposal demonstrably fails to achieve the separation distances and transitional built form requirements specified in the ADG;
6. **Misrepresents the Applicable Separation Standard** by claiming that bedrooms with translucent or fixed glazing constitute "non-habitable" rooms - this is legally incorrect, as the definition of habitable room is determined by the function of the

space, not the treatment of its windows. More fundamentally, ADG separation requirements exist to protect the amenity of *neighbouring* properties: the existing habitable rooms and private open spaces at 25 Rangers Avenue cannot be rendered “non-habitable” by how the proponent chooses to glaze their own windows;

7. **Fails the Planning Merit Test** through measurable, non-compliant departures from the Apartment Design Guide (ADG) mandatory standards, including a 75% deficiency in building separation to the western boundary (3.0m proposed where 12m is required);

We formally confirm our intention to retain 27 Rangers Avenue as our long-term residential home. However, given that the site falls within the Low and Mid-Rise Housing (LMR) area and may be subject to the emerging Mosman Masterplan, we reserve all rights to future redevelopment. The proposed development, in its current form, would severely compromise or entirely eliminate that potential - and in doing so negatively impact the ability to meet housing targets for the Mosman Council area through limiting development of adjacent sites.

We note that this submission is made in coordination with the owners of other properties on the western side of the development site (25, 29, and 31 Rangers Avenue), who share common concerns about the impact of this development on the orderly planning of this section of Rangers Avenue - in addition to concerns about impact of construction on the neighbouring structure at 25 Rangers Avenue, and unacceptable intrusions on privacy.

We require the Department of Planning to either refuse the application in its current form, or defer determination until the Mosman Masterplan process is complete and the fundamental statutory and physical constraints documented herein are resolved.

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PART A: SUMMARY TABLE OF OBJECTION GROUNDS

Purpose: *This table provides a single-page overview of all quantified non-compliances, enabling rapid assessment of the proposal's failures against applicable standards.*

The following table summarises each ground of objection, the applicable standard, the extent of non-compliance, and references to the detailed analysis in this submission.

#	Ground of Objection	Applicable Standard	Proposed	Deficiency	Additional Details outlined in this submission
1	Western Boundary Setback	ADG 3F: 9m to boundary (5-8 storeys, habitable to habitable)	3.0m (Levels 1-4); 5.5m (upper)	67% deficiency (lower); 39% (upper)	Part C
2	Transition Zone Setback	ADG 3F: +3m additional when adjacent to lower-density zone	Not provided	100% deficiency	Part C

3	Combined Setback Requirement	9m + 3m = 12m minimum	3.0m proposed	75% deficiency	Part C
4	Deep Soil Zone Dimension	ADG 3E: 6m minimum dimension	3.0m strip	50% deficiency	Part H
5	Building Separation (Building to Building)	ADG 2F: 18m between habitable rooms (5-8 storeys)	~3m to boundary (proponent's share)	Shifts 83% of burden to neighbour	Part C
6	Heritage Item Exclusion	Housing SEPP: IAH bonus excluded where heritage item present	Heritage Item I438 along southern boundary	Potentially total exclusion from bonus	Part I
7	Transitional Built Form	ADG 2F, 3F: Graduated transition to lower-density areas	22.75m tower with 3m setback to 8m dwellings	14.75m vertical discontinuity	Part E
8	Site Sterilisation	Karavellas test: Adjacent sites must remain reasonably developable	Narrow lots (6m) cannot provide compliant setbacks	Complete sterilisation of some lots, failure of public interest test	Part F
9	Unorderly Development	EP&A Act s1.3: Orderly and economic use of land	Isolated tower prior to Masterplan completion	Prejudices strategic planning	Part G

PART B: STATUTORY FRAMEWORK - THE APARTMENT DESIGN GUIDE AS MANDATORY CONSIDERATION

Purpose: *This Part establishes that the ADG is not mere guidance but a statutory consideration that the consent authority must address under Section 147 of the Housing SEPP - forming the legal foundation for the technical objections that follow.*

B.1 The Legislative Requirement to Consider the ADG

The determination of this application is subject to mandatory statutory requirements that elevate the Apartment Design Guide from mere guidance to a central consideration in the consent process.

B.1.1 Section 147 of the Housing SEPP - Mandatory ADG Consideration

Section 147(1) of the State Environmental Planning Policy (Housing) 2021 establishes a binding statutory requirement:

*“Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following - (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the **Apartment Design Guide**...”**

This is not discretionary guidance - it is a statutory precondition to the grant of consent. The consent authority **must not** grant consent unless it has considered the ADG. Where a proposal demonstrably fails to meet the ADG’s design criteria, this failure must weigh heavily in the assessment.

B.1.2 Section 149 - ADG Prevails Over Development Control Plans

Section 149 of the Housing SEPP further reinforces the primacy of the ADG by establishing that where the ADG specifies requirements for matters including **visual privacy**, any contrary provisions in a development control plan “have no effect.”

This means that for all matters relating to visual privacy and building separation, the ADG standards are the applicable benchmark - not any lesser local requirements. This proposal fails requirements for both visual privacy and building separation (see Part C of this submission).

B.1.3 Schedule 9 Design Principles - Statutory Requirements

Schedule 9 of the Housing SEPP sets out the design principles that must be evaluated under Section 147(1)(a). Relevantly, these include:

Principle 1 - Context and Neighbourhood Character:

“Good design responds and contributes to its context... Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.”

Principle 2 - Built Form and Scale:

“Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.”

The proposed development fails both principles by creating an isolated 6-7 storey tower with no coherent transition to adjacent low-density residential development.

PART C: ADG BUILDING SEPARATION REQUIREMENTS - THE CORRECT STANDARDS

Purpose: *This Part demonstrates that the proposed 3.0m western setback represents a 75% deficiency against the ADG’s requirements, does not include adequate treatments to mitigate impacts on visual privacy of adjacent properties, and that the proponent has fundamentally miscalculated the applicable separation standards.*

C.1 Overview of Separation Requirements

The proponent fundamentally misrepresents the applicable building separation requirements. The ADG specifies separation distances at two levels: precinct-level controls (Section 2F) and site-specific controls (Section 3F). Both are relevant to this assessment.

C.2 ADG Section 2F - Building Separation (Precinct Controls)

ADG Section 2F establishes minimum separation distances between buildings:

Building Height	Habitable to Habitable	Habitable to Non-Habitable	Non-Habitable to Non-Habitable
Up to 4 storeys	12m	9m	6m
5-8 storeys	18m	12m	9m
9+ storeys	24m	18m	12m

The proposed development is 6-7 storeys, placing it within the **5-8 storey category**. The ADG therefore contemplates **18 metres total separation between habitable rooms and balconies** of this development and any adjacent habitable spaces. The current proposal includes only a 3m setback from the western boundary on the lower levels, constituting a 67% deficiency in requirements as the neighbouring property has multiple habitable rooms on ground and 1st floor.

C.3 ADG Section 3F - Visual Privacy (Site-Specific Controls)

ADG Section 3F provides the site-specific design criteria for visual privacy, specifying minimum setbacks to boundaries:

Building Height	Habitable Rooms/Balconies	Non-Habitable Rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

The ADG explicitly states that these setbacks apply “to the side and rear boundaries” and explains the rationale:

- *“Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary. This distributes the building separation equally between sites.”*

The proposed 3.0-metre western setback provides only one-third of the 9-metre minimum required under ADG Objective 3F-1 for habitable rooms in buildings of 5-8 storeys, and entirely omits the additional 3-metre separation mandated when adjacent to lower-density residential zones. By providing such a deficient setback, the proponent shifts the full burden of achieving visual privacy onto neighbouring properties - directly contradicting the ADG’s requirement that “adequate building separation distances are shared equitably between neighbouring sites.”

Furthermore, the proponent’s reliance on translucent glazing and planters to mitigate privacy impacts is not a substitute for compliant separation distances; the ADG contemplates physical separation, not design treatments that degrade the amenity of the proponent’s own apartments while leaving neighbours unprotected. Note that the neighbouring property at 25 rangers avenue (the adjacent property on the Western boundary) has multiple highly private spaces that face this boundary, including a children’s bathroom with large windows facing the boundary and a glass ceiling which will be overlooked by the taller proposed building.

Note that in addition to this, the proposed balconies on the Northern side of the proposed development will impact privacy of neighbouring properties at 25, 27, 29 and 31 Rangers avenue - including pools, outdoor entertainment areas and main outdoor living spaces. While planting mature trees along this boundary provides some privacy mitigation, the proposed development will tower over these trees and therefore is not sufficient. It is essential that the development comply - at a minimum - with the setback requirements impacts stipulated in the ADG to mitigate impacts.

C.4 The Additional 3-Metre Transition Requirement

The ADG Section 3F explicitly requires:

“Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping.”

The properties to the west of the development site are zoned for lower-density residential development. The ADG therefore requires an **additional 3 metres** to the standard setback requirements.

C.5 Application to the Western Boundary Interface

The Correct Calculation:

Component	Requirement	Source
Base setback to boundary	9.0m	ADG 3F (5-8 storeys, habitable to habitable)
Transition zone addition	+3.0m	ADG 3F (adjacent to lower-density zone)
Total Required	12.0m	
Proposed	3.0m (Levels 1-4); 5.5m (upper)	
Deficiency	75% (lower levels); 54% (upper)	

C.6 The Equitable Distribution Principle

The ADG's equitable distribution principle requires that separation distances be shared fairly between adjoining sites. By providing only 3.0m to the western boundary - one-quarter of the required 12m - the proponent shifts an impossible burden onto neighbouring properties.

If adjacent sites on the Western Boundary were ever to be redeveloped, the site would need to provide not merely its own half-share of separation, but also compensate for the proponent's 9-metre shortfall. To demonstrate impact - 25 Rangers avenue is a 12-metre wide lot, and meeting setback requirements in this scenario would consume the entire site and more - a geometric impossibility.

Furthermore, by limiting the feasibility and/or physical capability for re-development of neighbouring sites, the proposed development in its current form is not in alignment with the overall policy objectives of NSW Governments Low and Mid Rise Housing policy which is intended to increase housing availability near to the Cremorne Town Center as the setbacks will reduce ability to further increase overall housing supply through development of adjacent sites. This means that the proposed development also fails the public interest test.

PART D: THE PROPONENT'S "NON-HABITABLE ROOM" ARGUMENT

Purpose: *This Part rebuts the proponent's central justification for the reduced setback - demonstrating that the argument is both legally incorrect and fundamentally misconceived as to the purpose of separation requirements.*

D.1 The Proponent's Claim

The proponent claims the 3.0-metre setback is acceptable because rooms facing the western boundary are "non-habitable" due to fixed or translucent glazing. The proponent's Information Pack states:

"The proposed setback from the western boundary is 3 metres, as there are no habitable rooms with operable windows on this side."

D.2 Why This Argument Fails - The Definition of Habitable Room

This interpretation is **legally incorrect**. The definition of "habitable room" in NSW planning and building instruments is determined by the **function of the room**, not the treatment of its windows:

"Habitable room means a room used for normal domestic activities, other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room or other space of a specialised nature which is not occupied frequently or for extended periods."

Bedrooms are unequivocally habitable rooms regardless of whether their windows are operable, fixed, or glazed with translucent glass. The proponent's own floor plans confirm the rooms facing the western boundary are bedrooms.

D.3 Why This Argument Fails - The Purpose of Separation Requirements

More fundamentally, the proponent's argument misunderstands the purpose of ADG separation requirements. These requirements exist to protect the amenity of **both** the proposed development **and its neighbours**.

The existing dwelling at 25 Rangers Avenue contains habitable rooms - living areas and bedrooms - along its eastern boundary facing the development site. It also has established private open space and balconies that constitute habitable space under the ADG.

The proponent cannot unilaterally reduce their separation obligations by how they choose to treat their own windows. The 18-metre separation requirement (and the 9m setback to boundary) exists to protect 25 Rangers Avenue's existing amenity - visual privacy, daylight access, outlook, and acoustic privacy. These protections apply regardless of whether the proponent installs translucent glass in their own bedrooms.

D.4 The Correct Analysis

The relevant interface is:

Element	Classification	Applicable Standard
Proposed development bedrooms (Levels 1-7)	Habitable rooms	9m to boundary
25 Rangers Avenue habitable rooms	Habitable rooms	(protected by separation)
25 Rangers Avenue balconies/private open space	Habitable space	(protected by separation)
Transition zone requirement	Applicable	+3m
Total Required Setback		12m

The proponent's claim that translucent glazing converts habitable rooms to non-habitable rooms - and thereby reduces the applicable setback from 9m to 4.5m - has no basis in the ADG or in planning law.

PART E: FAILURE OF BUILT FORM TRANSITION

Purpose: *This Part demonstrates that the proposal creates an unacceptable 14.75m vertical discontinuity at the western boundary, failing the ADG's requirements for graduated transition to lower-density areas.*

E.1 The ADG's Transitional Built Form Requirements

The ADG is predicated on the principle that development must achieve appropriate transitions between different scales and densities. This is not merely a design preference - it is fundamental to orderly urban development.

E.2 The Scale Discontinuity

The proposed development creates an irreconcilable discontinuity in the built form of Rangers Avenue:

Location	Building Height	Scale
11-23 Rangers Avenue (proposed)	22.75m	6-7 storeys
25 Rangers Avenue (existing)	~8m	2 storeys

27 Rangers Avenue (existing)	~8m	2 storeys
29 Rangers Avenue (existing)	~8m	2 storeys
31 Rangers Avenue (existing)	~8m	2 storeys

The result is a vertical discontinuity of approximately **14.75 metres** (nearly 5 additional storeys) occurring immediately at the western boundary with only a 3.0-metre setback.

E.3 The ADG Rationale for Transition

The ADG explains the rationale for transitional built form in Section 2F:

“Building separation controls should be set in conjunction with height controls and controls for private/communal open space and visual and acoustic privacy.”

“Aims: • ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings • assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook • provide suitable areas for communal open spaces, deep soil zones and landscaping.”

The proposed development fails every one of these aims in its relationship to western properties.

E.4 What Acceptable Transition Would Require

Sound urban design principles - and the ADG’s own guidance - would require the proposed development to achieve a graduated step-down toward the western boundary. This could include:

- Upper level setbacks that progressively increase the separation distance as height increases
- A podium-and-tower form that maintains a lower scale element adjacent to the boundary
- Building massing that steps down toward the western edge to reduce the abrupt height transition

Instead, the proposal maintains the full 6-7 storey height across the western portion of the site with only minimal setbacks at upper levels. The 5.5-metre setback at the uppermost level provides inadequate transition for a building of this scale.

E.5 The Absence of Transitional Analysis in the EIS

The EIS contains no meaningful analysis of built form transition to the west. It provides no explanation of:

- How the proposal achieves an appropriate relationship between the 22.75m tower and the 8m dwellings to the west
- What design measures have been incorporated to address the scale discontinuity
- How the proposal responds to the ADG's requirement for increased separation when adjacent to lower-density zones
- What alternative built form configurations were considered to achieve better transitional outcomes

This is a fundamental deficiency in the environmental assessment.

PART F: SITE ISOLATION AND STERILISATION OF ADJACENT PROPERTIES

Purpose: *This Part demonstrates that the proposal's minimal setback shifts an impossible compliance burden onto neighbouring properties, sterilising narrow lots and failing the Karavellas test for orderly development.*

F.1 The EIS Fails to Analyse Western Impacts

The EIS addresses site isolation only in relation to 9 and 9A Rangers Avenue (to the east). It provides no analysis whatsoever of the impact on properties to the west - namely 25, 27, 29, and 31 Rangers Avenue. This is a critical deficiency.

F.2 The Critical Lot Width Context

The western properties have the following approximate lot widths:

Property	Approximate Lot Width
25 Rangers Avenue	~12m
27 Rangers Avenue	~6m
29 Rangers Avenue	~6m
31 Rangers Avenue	~12m

The 6-metre width of certain lots is determinative. This dimension is **less than or equal to** the minimum ADG separation distances required between habitable rooms for even a 4-storey building, meaning these lots face complete sterilisation if required to bear the burden of building separation from a constrained neighbour.

F.3 The Legal Test for Site Isolation

In *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251, the Court held that the relevant test is whether adjacent sites can be “reasonably developed in accordance with applicable planning controls.” The EIS entirely fails to apply this test to western properties.

F.4 The Cascade Effect

The result is a cascade of constraints flowing westward from the proposed 6-7 storey tower:

Property	Width	Impact
11-23 Rangers Ave	(site)	6-7 storey building with 3.0m western setback
25 Rangers Ave	~12m	Severely constrained - must compensate for proponent’s setback deficiency
27 Rangers Ave	~6m	Sterilised - entire lot width consumed by required setbacks
29 Rangers Ave	~6m	Sterilised - same geometric impossibility
31 Rangers Ave	~12m	Must bear disproportionate burden of remaining separation

F.5 The Inequity of Burden-Shifting

The proponent seeks to maximise yield on their own site while externalising the amenity burden onto adjacent properties. This is the antithesis of equitable development and orderly planning.

PART G: STRATEGIC PLANNING CONTEXT AND PREMATURITY

Purpose: *This Part establishes that determination is premature given Mosman Council’s ongoing Masterplan process, and that approval would prejudice orderly planning outcomes for the broader Rangers Avenue precinct.*

G.1 Council’s Strategic Planning Response

Mosman Council is actively preparing a comprehensive strategic response to the NSW Government’s Low and Mid-Rise Housing Policy. Council resolved in March 2025 to seek to

accommodate the State’s targets in areas of Mosman Council’s choosing - meaning Council is actively working to identify appropriate locations for increased density.

Approving this 6-7 storey development before that strategic work is complete prejudices the outcome.

G.2 The Orderly Development Principle

Section 1.3 of the Environmental Planning and Assessment Act 1979 requires consideration of “the orderly and economic use and development of land.”

An approval for a 6-7 storey structure at the western extremity of the potential LMR area - prior to the Masterplan’s completion - risks creating a stand-alone tower that:

- Is isolated from any coordinated built form transition;
- Sets a disruptive precedent for the immediate area;
- May be incompatible with the eventual strategic direction for adjacent Rangers Avenue properties.

PART H: DEEP SOIL ZONE FAILURE

Purpose: *This Part demonstrates that the proposed 3.0m setback cannot accommodate the ADG’s mandatory 6.0m minimum deep soil zone dimension required to sustain meaningful canopy tree planting.*

H.1 The ADG Requirement

ADG Section 3E requires that for sites over 1,500m², deep soil zones must have a **minimum dimension of 6.0m** to support large canopy trees. Given that the plans call for a basement to the boundary, there is essentially no deep soil zone at all between the proposed development and 25 Rangers Ave.

H.2 The Non-Compliance

Requirement	Proposed	Deficiency
6.0m minimum dimension	3.0m strip	50%

The proposed 3.0m western setback creates a strip that is half the mandatory minimum dimension, insufficient to sustain large canopy trees, and further compromised by hardstand paving shown in the landscape plans.

PART I: STATUTORY INELIGIBILITY FOR HEIGHT/FSR BONUS

Purpose: *This Part identifies a potentially dispositive legal defect - the Heritage Item I438 exclusion may render the entire height and FSR bonus framework inapplicable, making the proposed scale unlawful on its face.*

I.1 The Exclusion Criteria

The Low and Mid-Rise Housing Policy is explicitly excluded from applying to land that “comprises or contains a heritage item listed in a Local Environmental Plan.”

I.2 Heritage Item I438 - The Divided Road

The “Divided Road” at Rangers Avenue (Item I438) is:

- A Local Heritage Item listed in Mosman LEP 2012;
- Registered on the State Heritage Register;
- Immediately adjacent to the development site along the entire southern boundary.

I.3 Proposed Works Affecting the Heritage Item

The development proposes extensive works affecting the heritage item including vehicle crossovers and driveways, pedestrian access modifications, rubbish storage and servicing areas, and excavation for infrastructure.

I.4 Legal Consequence

If the LMRHP bonus is validly excluded due to Heritage Item I438:

- The proposed height of 22.75m (6-7 storeys) is non-compliant;
- The proposed FSR of 1.95:1 is non-compliant;
- The development reverts to base Mosman LEP controls.

This constitutes an automatic, quantifiable ground for refusal.

PART J: PROCEDURAL FAILURES

Purpose: *This Part documents the proponent’s failure to conduct meaningful pre-lodgement engagement, withholding critical design information until days before EIS submission and precluding any genuine opportunity for design response.*

J.1 Inadequate Engagement Process

The proponent’s engagement process was fundamentally flawed:

- The Information Pack disclosing the critical 3.0m western setback was provided on 21 November 2025 - only days before EIS lodgement;
- The application was lodged almost immediately thereafter;
- No meaningful opportunity existed for design feedback to be incorporated before lodgement.
- Engagement practices limited ability for participation in consultation process. For example - meeting options were in person only, only one time was offered and materials not distributed.

J.2 Circumvention of DPHI Requirements

The DPHI's Undertaking Engagement Guidelines for State Significant Projects require engagement to be "upfront and ongoing" and to allow proponents to "refine the design of the project to avoid or minimise impacts."

The proponent's conduct demonstrates the opposite intent.

PART K: CONCLUSION AND REQUIRED ACTIONS

Purpose: *This Part synthesises the objection grounds and formally demands refusal, deferral, or fundamental redesign of the proposal.*

K.1 Summary of Objection Grounds

This submission has demonstrated that:

1. **Mandatory ADG Consideration:** Section 147 of the Housing SEPP requires the consent authority to consider the ADG before granting consent - the proposal demonstrably fails the ADG's separation and transition requirements.
2. **Building Separation Failure:** The ADG requires 12m setback to the western boundary (9m base + 3m transition). The proposed 3.0m setback is a 75% deficiency.
3. **Non-Habitable Room Misrepresentation:** The proponent's claim that bedrooms with translucent glazing are "non-habitable" is legally incorrect and fundamentally misunderstands that separation requirements protect neighbouring properties' amenity.
4. **Transitional Built Form Failure:** The proposal creates a 14.75m vertical discontinuity at the western boundary with inadequate transition.
5. **Inequitable Burden-Shifting:** The proposal externalises ADG compliance onto neighbouring properties, making compliant redevelopment of adjacent sites infeasible or practically impossible.
6. **Deep Soil Zone Failure:** The 3.0m setback cannot accommodate the 6.0m minimum deep soil dimension.
7. **Statutory Ineligibility:** The Heritage Item I438 exclusion may invalidate the height/FSR bonus entirely.

K.2 Demand for Action

We formally demand that the Department of Planning, Housing and Infrastructure:

Option 1: Refuse the Application based on the failure to meet ADG standards, potential statutory ineligibility for bonuses, and violation of orderly development principles.

Option 2: Defer Determination until the Mosman Masterplan is completed and the design is fundamentally amended.

Option 3: Require Fundamental Design Amendments and re-consultation with impacted stakeholders - including western setbacks of minimum 12.0m, stepped built form graduating to lower scale at the western boundary, deep soil zones of 6.0m minimum dimension, and comprehensive transitional analysis.

K.3 Reservation of Rights

We reserve all rights in respect of our property, including the right to pursue any future development potential under current or future planning controls.

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