

Thursday 11 December

Objection for the SSD proposal in 11-23 Ranger Avenue Mosman.

The Repurposing of the SSD for Residential Housing purposes is prima facie ultra vires.

The sale and consolidation of the lots for redevelopment, followed by the reclassification as “State Significant,” represents an abuse of process contrary to the intent of statutory planning controls.

The objector contends that such post-acquisition reclassification:

- Undermines public confidence in the planning system;
- Deprives the local community of the participatory rights intended under the EP&A Act; and
- Creates a precedent inconsistent with orderly and sustainable urban development.

The repurposing of SSD from primarily infrastructure / large-scale projects to routine residential housing, combined with LMR/infill reforms and enhanced incentives for density and height, represents a significant centralisation of planning power at the state level and a fundamental attack on our democratic processes and the balance of powers deliberately built into that democracy to protect our democratic rights.

The shift is prima facie a form of “executive overreach”: using broad, state-level legislative tools to override local democratic structures in planning decisions. Denying citizens the right to their own self-determination.

It is inherently wrong and contrary to natural justice to use SSD legislation in residential property where a \$75 million criteria constitutes an inappropriately low threshold relative to the high cost of property. There are well established rules for property, and using SSD legislation in this manner to deliberately bypass well established legislation and community controls constitutes an abuse of power.

Removal of right to refer to IPC.

The removal of the right to citizens and councils to refer ministerial call-in’s and those recommended for declaration by the Housing Delivery Authority constitutes a deliberate attack on the established controls to protect citizens from poor decisions.

This removal is unique to Residential Property and right to object remains for other Renewable Power and other infrastructure projects which makes the policy inconsistent and unreasonable.

The Designation of the site as an SSD is Improper and Unreasonable

Under Section 141I of the Housing SEPP, consent may not be granted unless the consent authority is satisfied that the proposal will not result in unacceptable environmental, visual or amenity impacts.

The proposal:

- Overdevelops the site relative to its residential zoning and surrounding built form
- Adversely affects local character and the reasonable expectations of adjoining owners; and
- Exceed the scale of development envisaged in the Local Environmental Plan and Development Control Plan for the area.

Brand new LMR legislation is now in force for Residential uplift. It is the LMR rules not the SSD rules that should be applied to this site.

Insufficient Benefit to the community

The state government is facilitating the largest asset stripping of local environment resources (cultural heritage, light, open spaces, planned environment) since early colonial times. The masses are being stripped of their local environment to the benefit of greedy developers who are being handed excessive profits for very little in return to the local community.

Under the EP&A Act, developer contributions for local infrastructure (roads, parks, community facilities, drainage, etc.) are typically collected via either Section 7.11 contributions or Section 7.12 levies (or via planning agreements, or state-level contributions schemes). The SSD pathway under the EP&A Act allows large-scale or “state-significant” developments to be assessed at the state level rather than by local councils.

Therefore, developers may be able to minimise any contributions they might be expected to contribute to local communities through community contributions through an advantageous state deal. Thus, the community has nothing to show for the massive loss of environment and the developer walks away with excessive profits having wreaked environment devastation on the community.

Improper application of Affordable housing Infill Provisioning.

The value of land and the targeted price point of the residences in the new building greatly exceeds the amount viable for low to mid income affordable housing. Those on the \$55-100k income range cannot gear sufficiently to purchase one of the multimillion-dollar flats being marketed or reasonably afford more than \$300-550 in weekly rent.

The plan to allow the height uplift despite the inconsistency of cost is a charade. The duration of affordable housing should be in perpetuity not for a mere 15 years. The low percentage of properties allowed to facilitate this height increase does little to improve affordable housing supply but does an enormous amount to enable the profiteering of developers.

Local Infrastructure constraints

Mosman does not have a trainline or metro. The transport hub in Mosman relies upon the bus connections running along Military road. Increasing the density of the population without reducing the volume of traffic on the roads is unsustainable. The traffic is already bad enough. Increasing density without an alternative to road traffic makes no sense.

SSD designation assumes strategic importance or infrastructure readiness yet the plans provide fail to demonstrate that essential infrastructure (roads, drainage, utilities, schools) can support the development.

The sewers in particular cannot cope with the additional volume from increased density of population. The regular sewerage overflows into the harbour around Mosman show that the

infrastructure is not coping with current demand let alone increased demand. Foul smelling harbour water post rain is not uncommon. Infrastructure must be improved and be in place before a major density increase in population occurs.

Conclusion.

The use of the SSD pathway is an insult to the Mosman community and the people of NSW. It undermines their democratic right and extracts profit from their environment for the enrichment of the few at the expense of the wider community without delivering sufficient affordable housing to justify the means. The new LMR legislation in its own right is sufficient for the redevelopment of Mosman and an agreed affordable housing implementation policy with the local council would bring about a far more equitable and sustainable solution than the proposed plan.

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