

Residential development with in-fill affordable housing – 11-23 Rangers Avenue Mosman – Part 1 View Sharing & Heritage Impact

Submission

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Introduction

It should be stated clearly that this site has been selected for one reason – the spectacular views of the harbour, city and harbour bridge. This development aims to transfer these views from existing residents to future residents of the development, with the profit going to the developer.

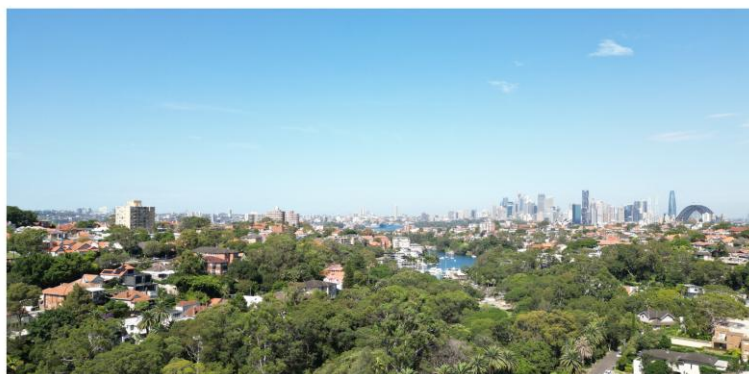
The protection of views is a well-developed recognised issue, and the principles have been established and communicated to the Developer through the specific SEAR – point 4 in the SSD SEARs Industry Specific Cover Letter. The letter from the Department of Planning, Housing and Infrastructure on 14 October, specifically requests under point 4, the proposal must provide a detailed view loss and view sharing assessment having regard to the LEC Planning principle for views, expressed in *Tenacity Consulting v Warringah Council* 2004 NSWLEC 140, including consideration of clause 6.4 Scenic protection of MLEP 2012.

The Developer has based their analysis on a false premise that these principles do not apply. The proposal is completely invalid given the lack of compliance with this requirement.

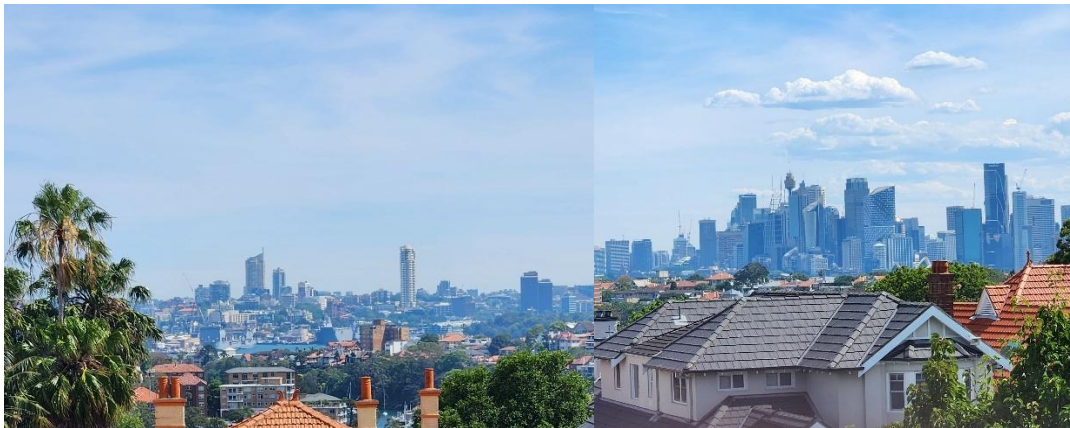
Private Domain Views

“The properties to the north have distant views available to the Sydney Harbour Bridge, the city skyline and the Mosman harbour”. Distant views is a selective term to diminish the sense of view loss. The Developers submission includes the following photo that validates this deception.

Residential Development at 11-23 Rangers Avenue, Mosman



Below is the view from the second floor of a Holt Ave house showing City, Opera House and Harbour views. Other houses in Holt Ave would have Harbour bridge views as well.



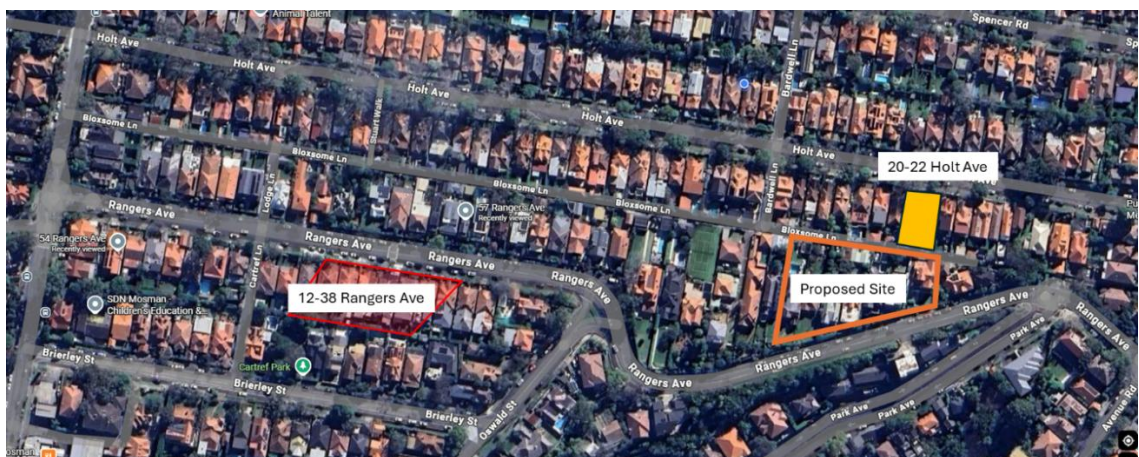
On page 67 of the EIS, the developer provides the following map showing Holt Ave dwellings as the most affected for view loss.

Figure 21 Location Plan showing Potentially Affected Buildings



The proposal then provides commentary on the map above describing the effects on:

- 32-38 Rangers Ave
- 12-16 Rangers Ave
- 18-30 Rangers Ave
- 20-22 Holt Ave



12-38 Rangers Ave are not impacted by the proposed development. No reference is made to 8-38 Holt Ave (with the exception of nos 20-22). This omission invalidates the submission and highlights the poor quality of the analysis.

The Appendix CC - Visual Impact Assessment provides the evidence that the Developer has the true information about the impact on view loss. The photo below is provided on page 44 of the VIA showing the view from the main living room of 16 Holt Ave.



Figure 41 16 Holt Avenue - access to south-westerly view from main living area including CBD typology and Sydney Harbour Bridge.

Assessing the impact of the development in the case of 16 Holt Ave, the view sharing principles of the LEC (Tenacity Consulting v Warringah Council) would be clear:

- i. “Iconic views (eg Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views”. Clearly these are iconic views.
- ii. “For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. ...Sitting views are more difficult to protect than standing views”. Clearly these are both sitting and standing views.
- iii. “The impact on views from living areas is more significant than from bedrooms or service areas”. “It is usually more useful to assess the view loss quantitatively as negligible, moderate, severe or devastating”. Clearly the loss in this instance would be devastating.
- iv. “Assess the reasonableness of the proposal”- “a development that complies with all planning controls would be considered more reasonable than one that breaches them”.

The proposal breaches the controls for the height of the development and the MLEP controls around view sharing and integration with local character.

The developer’s assessment of Tenacity principles is clearly inadequate.

The photo above also illustrates the deliberate lie on page 5 of the VIA when the following statement is made:

“The majority of dwellings north of Rangers Avenue do not have access to southerly views over and above existing development and are unlikely to be affected by any significant view loss of merit.”

Many of the houses along Holt Ave have similar views to the one presented from 16 Holt Ave. Even if those views (from a ground floor) do not include the city, replacing the open outlook with a dominating structure 85 metres wide and up to 25 metres high (and approximately 20 metres from the back door) would be devastating. This is a picture from a real estate site of 18 Holt Ave to prove this point.



These photos also reveal the lie that the setback of the top floor of the development will not be seen and therefore present an image of a 4-5 storey development. This is only true when standing in Bloxsome Lane. This is not the case when viewed from a back door of a house in Holt Ave that is elevated from the Bloxsome Lane level due to the sloping nature of the landscape.

The Visual Impact Study (page 43) finally admits to the reality (whilst continuing to understate reality) when it states:

“View loss of merit is highly constrained to a limited number of dwellings immediately north of Bloxsom Lane that directly align with the Site.”

It should be noted that the site is 85 metres in length and by the Developers own map, 8 dwellings adjoin the site from Holt Ave. These 8 will have total loss of their views. Pages 44 to 48 of the Visual Impact Assessment clearly show the existing views for the houses on Holt Ave and that the development will replace spectacular city, harbour and harbour bridge views, with close proximity views of three dominating towers.

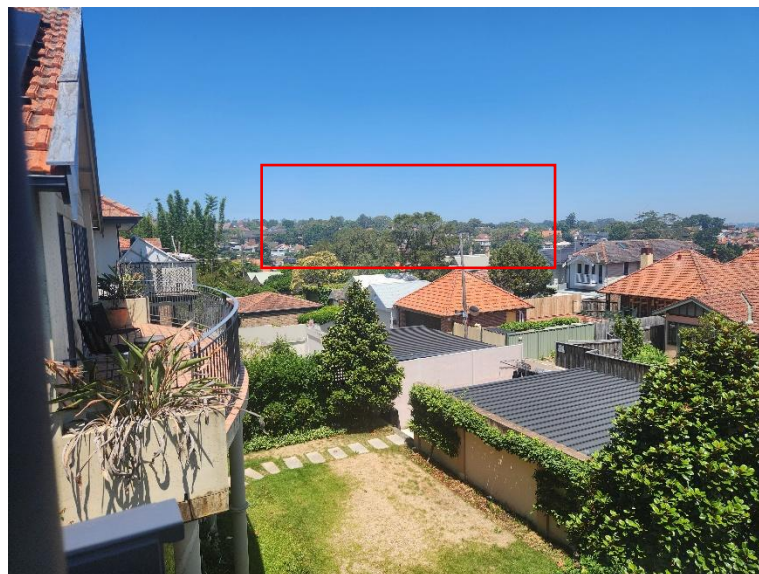
The VIA (page 8) presents a diagram showing the north elevation shown below. It clearly indicates that the houses on Holt Ave adjacent to the site will have a devastating loss of any view. The red lines have been added to represent the equivalent height of residents in Holt Ave on the ground floor and 1st floor of their homes. It also shows a much lesser level of coverage by trees than described in other impact assessments.



Figure 2 Extract from architectural drawing set - north elevation | Woods Bagot

The submission is also concluding that houses on the Northern side of Holt Ave are unaffected. These dwellings include 2 storey houses that would have substantial views across Holt Ave and Rangers Ave to the City skyline, Mosman Bay & Sydney Harbour and Harbour Bridge. The same is true for dwellings further up the slope in Spencer St.

Equally, dwellings to the west of the highlighted areas have views to the east that reflect the green canopy of Mosman. This view will be replaced by the dominating presence of the proposed development. The photo below shows the view to the east from 44 Holt Ave with the red box highlighting the impact of the development.



The analysis also ignores the views to the west from houses along Shadforth St and Raglan St. The same Mosman green canopy will be replaced by the dominating view of the proposed development. It should be noted that the plane trees in Holt Ave produce spectacle changing views through the year, particularly the colours during Autumn. Excluding these houses is a material flaw in the analysis of view impact.

The developer acknowledges that views will be lost including scenic features. The developer falsely claims that:

“All potential view loss will be caused by built form which is permissible under the LMR Policy, and as such is anticipated by the policy”.

This is contradictory to the SEARs requirement to have regard to the view sharing principles established by the LEC. The State Government has expressly incorporated this requirement, and this clearly proves the Policy intent is not to over-rule the view sharing principles.

The Developer’s conclusion is that that any development under the LMR is not possible without view loss. However, developments along Military Rd, for example, would not impact views as Military Rd runs along the top of the ridge line. Views from existing dwellings would be away from Military Rd not towards Military Rd on both sides of Military Rd. Military Rd is exactly where additional dwellings under the LMR Policy should be located.

As a result, I believe the proposal is invalid.

Appendix L – Clause 4.6 Variation Request-Building Height

Point 3 of the SEARs Industry Specific Cover Letter requires the proposal to address the requirements of Clause 4.3A under the MLEP (as it relates to view sharing, bulk and scale). One of the objectives of is:

- i) To provide for view sharing
- ii) To minimise the adverse effects of the bulk and scale of buildings.

It should also be noted that on page 15 of the document, the objectives of Clause 4.3 under the MLEP are listed and the first objective is:

(i) “to share public and private views”

In response to this requirement, the Developer’s submission

“In relation to private domain views, the site is located to the south of a heritage conservation area, with those dwellings being of 1-3 storeys in height. At this interface, the proposed development sits comfortably below the maximum build height.”

This seems to only reference the impact of any excess height. It does not reflect the impact on private views of the development in total. Therefore, the submission has failed to address the impact on private views.

The inclusion of specific requirements to consider the MLEP again refutes the Developers claim that compliance with LMR Policy is all that is required and negates the need to meet any other requirement.

The deceptive nature of the proposal is further highlighted in Clause 9 (pg 11 and 12). The Clause 4.6 variation request asks”

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

After showing various heights across the site, the submission concludes:

“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”

This variation % is deceptive as it is not addressing the question based on the numeric values cited (being height). The actual variation is shown in the table on page 12 (inserted below) that states the variation is a massive 12.48%.

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)	1.62m (7.12%)
			25.59m (RL71.8)	2.84m (12.48%)

Environmental Heritage

The requirement to complete a Heritage impact study is outlined on page 46 of the Heritage Impact study and include an obligation to assess the impact of the development on the heritage character of the area.

Appendix Z – Heritage Impact Study references the impacts on the Holt Estate Conservation Area.

The following commentary (from pages 7 & 8) makes no sense and is indicative of the poor quality of this assessment.

“The existing dwellings within the Holt Estate HCA towards do not offer views from the HCA towards Mosman Bay or the Sydney city skyline towards the site.”

“The location of the site is behind the conservation areas which also has a lane creating a further setback and the development due to this is viewed in the background setting. The view lines and nearest road within of the HCA run east west while the site is located to the south so has limited visibility from the main viewpoints.”

This opinion is clearly divergent from the Mosman Residential DCP as quoted on page 27 by the Developer.

“Heritage conservation areas possess an identified level of unity and include features such as consistent building style, streetscape and setting. The values of these places are important for not only their group characteristics, but for protecting their qualities for the present community and future generations.”

The Developer does acknowledge on page 43 of the HIA

“However, the proposed development does have an impact on the character of the vicinity Holt Estate HCA.”

The Developer then contradicts this by claiming:

“The proposed works will have a minor impact on the nearby Holts Estate HCA as the site is located to the rear of the large HCA outside of principal view lines”.

And again, on page 50:

“Views towards Mosman Bay, the broader Sydney city skyline, and partial views of the Sydney Harbour Bridge will remain unaffected as identified on the Holt conservation area view mapping.”

The image presented in Design paper 4 below, clearly contradicts these statements. The Holt Ave dwellings that are part of the Holt Estate HCA are shown at the top of the photo. They are not outside of principal view lines and are materially affected by the bulk and scale of the development that dominates the landscape. The dominating presence of this oversized development on the adjoining properties on Holt Ave at the rear of the development is shown below.

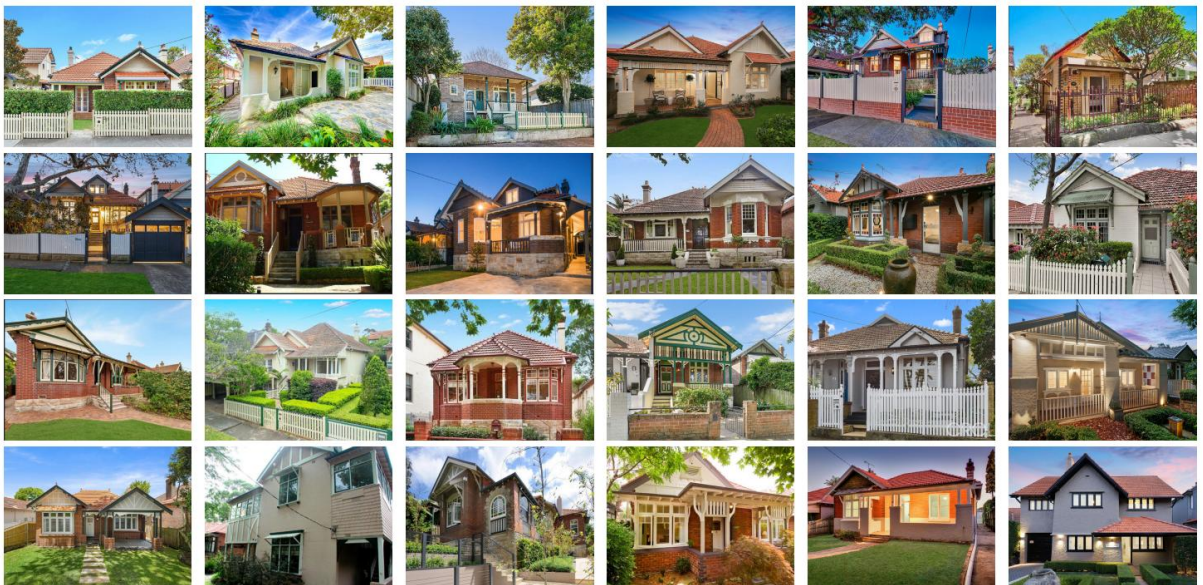


The photo below is from the North side of Holt Ave looking south. The summer photo shows the canopy generated by the trees that line Holt Ave. The plane tree on the left (comprising 50% of the Holt Ave trees) is deciduous and has no leaves for 6 months of the year. The picture on the right has been generated by Chat GPT to reflect the impact of the loss of leaves. The image changes dramatically and the dominating impact of the 6-storey development overlooking these properties will clearly be visible and detract from the heritage character of the Holt Estate HCA.



The Developer has also tried to claim that the Holt Ave properties do not deserve a heritage status (on page 30 and again on page 43), because of the additions or alterations that have occurred over 120 years since the dwellings were built.

Again, this is contradicted in Appendix M-Design Report, where the Developer highlights the following properties under the heading of Exploring Local Architectural Language. This reinforces the validity of the heritage status of the Holt Estate and the misleading and deceptive nature of the submission.



W-B

RANGERS AVE / 10

On page 31 under Significance Assessment, the assessment is determined in relation to the 11-23 Rangers Ave site. A small reference is made to the impact on the Holt Estate HCA. The biggest impact on the heritage value is from the domination of the site over the Holt Ave dwellings.

The submission fails to meet the objectives of Mosman Local Environmental Plan 2012 because of the impacts of the heritage areas in the vicinity of the site. Consent requirement listed on page 46 requires a heritage management document be prepared. The Heritage Assessment included in the submission fails to meet this requirement as it is clearly biased and factually inaccurate. All references stating that the proposed works do not impact to and from the vicinity heritage items associated with the Holt Estate are false.

The Developer also claims that the existing dwellings block the views of the Holt Ave dwellings. I am sure the residents in the affected houses would disagree, particularly from upper levels of these dwellings.

The Developer then concludes “the cumulative impacts of the proposed development on the broader context are minimal.”

This commentary is of such poor quality that it can not be taken as a serious discussion of the Heritage impacts and reinforces the Developers disdain for any type of heritage or visual impact considerations.

Water Management

The area has suffered with the increasing frequency of long periods of heavy rain associated with East Coast lows. The natural waterflows and stormwater run-off flows to Mosman Bay via the intersection of Rangers Ave and Park Rd. The stormwater drain in Cowles Rd has regularly failed to meet the water flowing through this gully. The risks that the changes resulting from the development will not cater for the large flows that have become a common occurrence.