

Submission to the NSW Department of Planning, Housing and Infrastructure

Re: Walking Distance Survey Report – 11–23 Rangers Avenue, Mosman

TOD Framework and State Significant Development Considerations

1. Introduction

This submission raises concerns regarding the reliance on a **walking distance survey report** prepared by LTS Surveyors dated 11 November 2025 (the *Report*), which has been cited in support of Transit-Oriented Development (TOD) outcomes and State Significant Development (SSD) planning considerations.

While the measurement of distances is a legitimate surveying function, the Report extends beyond that role and contains conclusions and commentary that are **inconsistent with the TOD framework, SSD assessment principles, and accepted standards of expert evidence**.

2. TOD Framework Requirements

The NSW TOD framework is founded on **functional accessibility**, not simple proximity. Core TOD principles require consideration of:

- The **quality, safety, legibility, and comfort** of pedestrian routes
- **Universal access**, including for mobility-impaired users
- The likelihood that routes will be used by the general public, including at night
- Integration with transport services and centres hierarchy
- Strategic planning outcomes, not technical compliance alone

Distance thresholds (e.g. 400m / 800m) are intended as **guidance tools**, not determinative measures in isolation.

3. Misalignment with State Significant Development Assessment

Under the SSD framework, assessment is undertaken by the **Minister or the Independent Planning Commission**, informed by advice from State agencies including TfNSW.

The Report is procedurally and substantively misaligned with this framework because:

- It is addressed to **Mosman Council**, not the State consent authority

- It does not reference:
 - SSD statutory pathways
 - State agency review processes
 - Strategic merit under section 4.15 of the EP&A Act
- It presents conclusions as determinative of TOD suitability, contrary to SSD assessment practice

As a result, the Report reads as a **local DA support document**, not a State-level technical input.

4. Scope Creep Beyond Surveying Expertise

4.1 Surveyor Competency Limits

Registered surveyors are professionally qualified to:

- Measure distances
- Identify physical infrastructure
- Map routes and frontages

They are **not qualified** to assess:

- Pedestrian safety
- Appropriateness of crossing locations
- Road user risk
- Traffic conditions or compliance with Austroads / TfNSW standards

These matters fall squarely within the expertise of **traffic engineers and transport planners**.

4.2 Inappropriate Safety and Behavioural Commentary

The Report includes statements that the routes are:

- “safe”
- “adequate in pedestrian safety”
- suitable for crossing at specific locations

These statements constitute **expert opinion**, not factual observation, and are provided without:

- Traffic data
- Road safety audits
- TfNSW concurrence
- Consideration of vulnerable users or time-of-day conditions

This represents **scope creep** and undermines the evidentiary integrity of the document.

5. Risk to TOD and SSD Decision-Making

The inclusion of opinion outside the author's expertise creates several risks:

5.1 Evidentiary Weight Risk

Under SSD assessment, reports that conflate fact and opinion or exceed professional scope are often **discounted in full**, including the valid components.

5.2 Agency Challenge Risk

TfNSW and DPHI routinely reject conclusions about pedestrian safety unless prepared by appropriately qualified professionals. This may lead to:

- Requests for further information
- Delays to assessment
- Conditions requiring additional studies

5.3 Over-Reliance on Rear Access Routes

The shorter walking distance relies on a rear-frontage route without demonstrating that this access is:

- Obvious to the public
- Universally accessible
- Permanently available

TOD principles prioritise **desire lines and realistic pedestrian behaviour**, not theoretical shortest paths.

6. Lack of Strategic TOD Analysis

The Report does not address:

- The role of Cremorne Town Centre within the metropolitan centres hierarchy
- Whether the route supports **daily needs access**, not just theoretical connectivity
- How the walking environment contributes to mode shift or reduced car dependency

Without this context, the Report does not meaningfully assist TOD assessment.

7. Conclusions

In summary:

1. The Report measures distance competently but **extends beyond surveying expertise**
 2. Commentary on pedestrian safety and crossing suitability is **inappropriate and unsupported**
 3. The document lacks SSD statutory framing and TOD strategic analysis
 4. Reliance on this Report as determinative of TOD or SSD suitability is **misplaced**
 5. Any conclusions about walkability, safety, or TOD outcomes should be derived from:
 - Transport planners
 - Traffic engineers
 - Integrated planning assessments
-

8. Requested Actions

It is respectfully requested that the Department:

1. Treat the Report as **distance measurement only**
2. Disregard conclusions relating to:
 - Pedestrian safety
 - Route suitability
 - Compliance with TOD objectives

3. Require any TOD or accessibility claims to be supported by:
 - Appropriately qualified transport or planning professionals
4. Ensure SSD determinations are based on **integrated, multidisciplinary evidence**, consistent with State policy and probity standards