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Department of Planning, Housing & Infrastructure

**Submission on SSD-96272465**  
**Residential development with in-fill affordable housing - 11-23 Rangers Avenue, Mosman**

I object to the relevant application for the following reasons:

**No Jurisdiction/Ultra Vires**

1. The application relies on being within 800m of Cremorne town centre via “safely walked using public footpaths and pedestrian crossings” to be eligible for meeting state significant development (**SSD**) criteria.
2. The Accessibility Report at Appendix FF relies on a proposed walking route including unsafe and non-compliant segments, and does not represent a valid or continuous pedestrian route for the required criteria.
3. Spofforth Street has a 3-star AusRAP rating, reflecting a moderate to high fatal and serious injury risk environment that is not suitable for uncontrolled pedestrian crossing. It is a designated regional road, carrying materially higher traffic volumes with vehicle speeds and turning movements than a typical local residential street. Pedestrian movement across regional roads with such risks would ordinarily be expected to have formal crossing infrastructure, rather than informal or uncontrolled crossings. It cannot be treated as equivalent to a local street for the purposes of informal pedestrian crossing or any SSD walking-route assessment.
4. The Spofforth Street/Holt Avenue intersection is a government-recognised “black spot” with a serious-injury crash history. Spofforth Street has engineered safety works for improved pedestrian movement along the Spofforth Street corridor, but not providing any pedestrian crossing across Spofforth Street (between the Military Road intersection and Rangers Avenue intersection).
5. The application wrongly describes kerb ramps at as “pram crossings” to allege a safe pedestrian crossing where none exists, despite a valid and direct alternative route being available that uses formal pedestrian crossings. Kerb ramps provide accessibility between footpath and carriageway, and do not constitute a proper pedestrian crossing. As a local resident I can attest that the suggested crossing location is unsafe, risky, and not suitable to be relied on especially by anyone using a pram. The only safe crossing are the traffic lights at Spofforth Street/Military Road, and the pedestrian “zebra” crossing at Spofforth Street/Cranbrook Avenue. Even the “zebra” crossing carries risks due to inattentive drivers, which I can attest to personally – I have been nearly hit regularly in 17 years of residency and frequently using the crossing, despite having right of way and only due to always taking extra care in case of an inattentive driver.
6. The proposed walking route relies on the use of laneways that are unsafe and non-compliant for the proposed walking route, requiring pedestrians to walk on the live carriageway not footpaths or shoulders, and with no physical separation from vehicles using the laneways.

7. The proposed walking route terminates at a dead-end private driveway with no lawful or safe pedestrian access to the town centre, thus understating the true walking distance and failing to provide a functional pedestrian connection.
8. The actual safe walking route is 920m, and thus fails to meet the required criteria.
9. Any grant of the application would be without proper basis and ultra vires, and subject to legal challenge, as a result.

### **Strategic Plan & Scale**

10. The site is located approximately 920m from the town centre via a safe and lawful walking route, thus outside the 400–800m centre-core and transition-zone intensification band that typically supports mid-rise development above 5 storeys.
11. Beyond 800m the walking distance planning principles require a tapering of height toward neighbourhood-scale built form, meaning the proposed 8 storeys breaches this height-transition requirement.
12. The proposal seeks a town-centre scale 8-storey outcome on R3 land beyond the strategic intensification zone and at a sensitive heritage interface, representing a clear and cumulative strategic non-compliance.
13. The site is zoned R3 Medium Density Residential, a zone intended for low to mid-rise residential built form, and not for high-rise tower typologies typically associated with R4 or B4 zones. Under established NSW planning practice, R3 zoning ordinarily supports 2–4 storey development (with 5 storeys being an exceptional upper limit) - well below the 8-storey height proposed.
14. No basis other than SSD criteria (which it fails to meet) applies for high-rise development on the site - it is not within a declared TOD uplift area, State Significant Precinct, or centre-core zone, nor is it subject to any LEP amendment or strategic planning process supporting heights of this magnitude.
15. It would be an outcome inconsistent with the built form, character, and planning intent of the surrounding residential area.
16. Further, the project site directly adjoins a low-rise heritage conservation area. Established NSW heritage-agency principles require height to step down at heritage interfaces to avoid visual dominance and protect heritage character, meaning an 8-storey building is fundamentally incompatible with the adjoining heritage context.

### **Bulk, Visibility and Ridgeline Impacts**

17. The application admits the site sits on a ridgeline and the development will be visible from a broad surrounding area. No account seems to have been taken in this regard in the proposed development, which will be an out of proportion “eye sore” visible for long distances including straight down Mosman Bay for ferry commuters and tourists.
18. The impact of the development will be immediate and long-lasting, rather than transitional.
19. The proposal’s height, mass and ridgeline position create immediate impacts that are permanent in nature, and not capable of being moderated through assumed incremental future change in the surrounding area.

### **Context and Local Character**

20. The site forms part of the visual setting of nearby heritage conservation areas, including the Holt Avenue and Spencer Street precincts.
21. The Heritage Impact Statement adopts a strained methodology that places emphasis on whether the site itself is within a conservation area, rather than assessing how the proposal will affect heritage significance at a precinct scale. Mitigation measures

- focus largely on architectural articulation and material selection, without addressing the primary issues of excessive height and bulk in a visually sensitive location.
22. A building of this scale on an elevated site will dominate the nearby heritage precinct, which cannot be meaningfully mitigated and has not been satisfactorily addressed in the assessment and application.

### **Traffic, Parking, Construction and Infrastructure**

23. Rangers Avenue is known congestion route, being an alternative to (or “rat run” for) Military Road) with peak delays regularly worsened by school times and commuter traffic. It is also heavily congested on weekends especially in summer due to being used for access to Balmoral Beach from suburbs to the west of Mosman.
24. The development would generate substantial additional vehicle movements. A significant share of this traffic will inevitably filter through surrounding residential streets. The road network already struggles at peak times and is periodically affected by heavy rain and local flooding.
25. Visitors and delivery parking will inevitably affect parking on Rangers Avenue, which is severely limited at the project address (with parking on only one side for that stretch of Rangers Avenue).
26. Proposed access to the basement parking will necessarily affect the pedestrian pathway on Rangers Avenue (which is limited to one side being outside the project site), and increase the risk of collisions with pedestrians crossing the entry driveway.

### **Public Benefit and Proportionality**

27. The public benefit cited in support of the proposal, including the affordable housing component, is limited relative to the scale of non-compliance and the permanent impacts created. The affordable housing provision relies on time-limited management arrangements rather than securing a durable public outcome.
28. The current affordability crisis justifying the planning changes that this development is utilising will not be resolved by a premium unit development in Mosman with water views – any “affordable” housing supplied will instead be “slightly less unaffordable” housing (for a closed period).
29. The permanent consequences of increased height, bulk, visual dominance and infrastructure demand are not matched by a commensurate or enduring public benefit. This imbalance is particularly relevant where significant departures from development standards are relied upon.

### **Transparency, Consultation and Exhibition Period**

30. This large development application has been assembled and planned privately well in advance of formal exhibition. The practical effect is that affected communities only become aware of the proposal and its details once formally lodged, at which point opportunities for early understanding or input have already passed.
31. The 14-day public exhibition period creates a clear imbalance between the applicant, who has had months or years to develop proposals, and residents, who are expected to deal with the application in an unreasonably short period. This timeframe is objectively insufficient to, for example, retain experts to provide detailed assessments in reply to those in the application. A 28-day exhibition period would be more reasonable. Any criticism of a lack of such expert evidence is unreasonable and self serving – I simply haven’t had time to do so in the period allowed.

The application should be rejected. A unit development in the location that meets applicable criteria with reasonable assessments would be acceptable – this is far from such.

Yours faithfully

Paul Jurdeczka