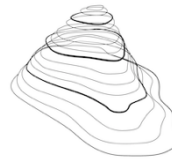


16 December, 2025



**Northern  
Development  
Assessment**

The Planning Officer  
Department of Planning, Housing and Infrastructure  
Major Projects Assessment Team  
Locked Bag 5022, Parramatta NSW 2124

Attention: Ritu Shankar

**RE: SSD-96272465 – RESIDENTIAL DEVELOPMENT WITH IN-FILL AFFORDABLE HOUSING –  
OBJECTION TO STATE SIGNIFICANT DEVELOPMENT APPLICATION.**

**PPTY: 11–23 RANGERS AVENUE, MOSMAN NSW (SUBJECT SITE)**

I am writing to you in response to the Department's public notification of the above State Significant Development Application on behalf of my clients, the owners of properties at 18, 20, 22, 26, 28, 32, 34 and 36 Holt Avenue, Mosman, which are located immediately to the north of the subject site and are separated from it only by Bloxsome Lane, a narrow laneway.

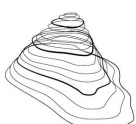
I have been requested by the owners of 18–36 Holt Avenue, Mosman to undertake a detailed assessment of the proposed residential development with in-fill affordable housing and to ascertain the likely impacts of the proposal upon the amenity, scenic quality and environmental character of their properties.

In preparing this Statement I have carried out the following actions –

- Reviewed the Architectural Plans prepared for the proposed development, including all associated site, roof, section and elevation drawings.
- Reviewed the Environmental Impact Statement and supporting documentation lodged with SSD-96272465, including the Traffic Impact Assessment, Visual Impact Assessment, Clause 4.6 Variation Requests (building height and wall height), and the supporting design and engagement reports.
- Reviewed the statutory and non-statutory planning framework applicable to the proposal, including the State Environmental Planning Policy (Housing) 2021 and the Mosman Local Environmental Plan 2012.
- Inspected the subject site at 11–23 Rangers Avenue and the adjoining properties at 18–36 Holt Avenue, and reviewed the relationship between the proposed built form and the existing low-density residential development to the north across Bloxsome Lane.
- Reviewed the relevant planning principles of the NSW Land and Environment Court, including those relating to view sharing (Tenacity Consulting v Warringah Council [2004] NSWLEC 140), public domain views, visual privacy, bulk and scale, and the assessment of reasonableness under section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.

Following my attendance at the subject site and a detailed review of the submitted documentation, I have identified the following key concerns in relation to the current State Significant Development Application:

- Walking Distance and Pedestrian Safety
- Unreasonable Height, Bulk and Scale
- View Loss and Visual Impact
- Transition, Privacy and Interface Impacts



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- Secondary Amenity Impacts including traffic, noise and cumulative effects

Each of these issues is addressed in the following sections of this submission.

## 1. WALKING DISTANCE & SAFETY

The Applicant asserts that the subject site at 11–23 Rangers Avenue, Mosman is located within 800 metres walking distance of Cremorne Town Centre by relying on a pedestrian route that crosses Spofforth Street at Holt Avenue. That approach is not consistent with the requirements of the State Environmental Planning Policy (Housing) 2021.

Schedule 10 of the Housing SEPP defines “walking distance” as:

*“the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.”*

The route relied upon by the Applicant requires pedestrians to cross Spofforth Street at Holt Avenue where there is no marked pedestrian crossing, no traffic signals, no zebra markings and no form of pedestrian priority. The kerb build-outs at this location do not constitute a pedestrian crossing, do not confer right of way to pedestrians, and cannot reasonably be relied upon to satisfy the definition of “walking distance” under the Housing SEPP.

The Applicant’s assessment also fails to account for the existence of safe, formal pedestrian crossings in the immediate vicinity, including the signalised crossing at Military Road / Spofforth Street and the marked pedestrian crossing near Cranbrook Avenue. When these crossings are used, as required by the Housing SEPP “where reasonably practicable”, the walking distance to Cremorne Town Centre exceeds 800 metres.

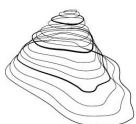
The Applicant has further incorrectly treated the seven separate allotments comprising 11–23 Rangers Avenue as though they were already amalgamated into a single site. No amalgamation has occurred. Chapter 6 of the Housing SEPP contains no provision permitting amalgamation of multiple lots for the purpose of satisfying the walking-distance requirement.

Under Chapter 6, each individual lot making up the proposed development site must independently satisfy the 800-metre walking-distance requirement using a safe, SEPP-compliant pedestrian route. The Applicant’s approach of measuring distance only from 23 Rangers Avenue is therefore incorrect. The remaining allotments are located progressively further east and are necessarily further removed from Cremorne Town Centre. By contrast, Chapter 5 of the Housing SEPP (Transport Oriented Development) expressly includes a mechanism permitting the assessment of land as a single site following amalgamation (section 152(3)). The absence of any equivalent provision in Chapter 6 is deliberate and confirms that the Low and Mid Rise Housing provisions are to be applied on a lot-by-lot basis unless amalgamation has lawfully occurred.

For these reasons, the Applicant’s walking-distance assessment is not consistent with the Housing SEPP.

### 1.1 Survey information obtained by the residents

Due to concerns regarding the accuracy and completeness of the Applicant’s walking-distance assessment, the affected residents engaged an independent licensed surveyor to undertake an independent distance survey using pedestrian routes that utilise formal pedestrian crossings or signalised intersections. The survey results are provided at **Appendix A**.



The survey confirms that the route relied upon by the Applicant requires pedestrians to cross Spofforth Street at Holt Avenue without the benefit of a marked or signalised pedestrian crossing. While this route produces the shortest measured distance, it does not utilise a formal pedestrian crossing and therefore does not satisfy the definition of ‘walking distance’ under Schedule 10 of the State Environmental Planning Policy (Housing) 2021, which requires that routes be capable of being safely walked using public footpaths and pedestrian crossings where reasonably practicable. When pedestrian routes that utilise formal crossings or signalised intersections are considered, the walking distance exceeds 800 metres for all allotments comprising 11–23 Rangers Avenue. The measured distance from the closest allotment at 23 Rangers Avenue exceeds 800 metres, with progressively greater distances applying to the remaining lots located further east along Rangers Avenue

When the statutory definition of “walking distance” is applied correctly, none of the seven individual lots satisfy the 800-metre requirement.

### **1.2 Why the route relied upon by the Applicant is not safe**

Spofforth Street is a busy arterial road carrying high traffic volumes and performing a strategic east–west traffic function. The Holt Avenue / Spofforth Street intersection has been the subject of repeated consideration by North Sydney Council due to longstanding pedestrian and vehicle safety concerns.

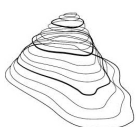
In addition, residents have provided Austroads road safety assessment material and related commentary regarding Spofforth Street which describes the corridor and intersection environment as higher risk in terms of traffic exposure and conflict potential. This material is relied upon as contextual information and reinforces why reliance on an informal crossing at Holt Avenue as a ‘safe’ walking-distance route is inappropriate. Commentary provided to residents and Council has consistently acknowledged the constrained nature of the Holt Avenue/Spofforth Street intersection and the need for traffic-calming and safety measures to manage vehicle movements. This broader safety context reinforces that the intersection is not a low-risk pedestrian crossing location and underscores why reliance on this location as a ‘safe’ walking-distance route is inappropriate.

North Sydney Council’s Traffic Committee has formally recognised safety deficiencies at the Holt Avenue/Spofforth Street intersection and has supported traffic management interventions in response. Council reports, Traffic Committee agendas and adopted resolutions document a history of vehicle crashes, turning conflicts and constrained sight distances at this location.

However, the traffic treatments considered and implemented by Council, including kerb build-outs and raised threshold treatments, were directed at reducing vehicle speeds, improving driver visibility and mitigating vehicle-to-vehicle crash risk. These measures were not intended to improve pedestrian crossing safety at Holt Avenue, nor to establish pedestrian priority across Spofforth Street. Instead, Council’s approach to pedestrian safety at this location has been to manage pedestrian movement by directing pedestrians to nearby formal crossing points, rather than by designating Holt Avenue itself as a pedestrian crossing location. These formal crossing points have not been utilised by the Applicant in their assessment of the required 800m distance.

Council documentation further confirms that there is no marked or signalised pedestrian crossing at Holt Avenue and that the kerb build-outs installed at the intersection were not intended to provide pedestrian priority or right-of-way. North Sydney Council has also identified that a formal pedestrian crossing is located approximately 120 metres away, reinforcing that Holt Avenue itself is not a designated pedestrian crossing location. These findings are documented in the Council material at

### **Appendix B.**



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In addition to Council's formal findings, the affected owners have compiled a detailed record of vehicle crashes and incidents occurring at and around the Holt Avenue / Spofforth Street intersection over a number of years. This information, which is provided at **Appendix C**, documents numerous collisions reported by residents and emergency service attendance. While this material represents resident-compiled information rather than independent expert evidence, it provides relevant contextual information regarding the frequency and nature of incidents at the intersection.

To supplement this information, the owners have engaged an independent traffic consultant to prepare a standalone pedestrian and traffic safety assessment of the Holt Avenue / Spofforth Street intersection and its suitability for use as a walking-distance route under the Housing SEPP. That independent assessment has now been prepared and is submitted separately, and supports the conclusions reached in this submission in relation to pedestrian safety and walking-distance compliance

Taken together, the findings of North Sydney Council (**Appendix B**), the documented absence of a formal pedestrian crossing, the availability of safer marked crossings in close proximity, and the contextual crash information compiled by residents (**Appendix C**) and the independent traffic consultant's report demonstrate that reliance on the Holt Avenue crossing as safely walked is neither reasonable nor consistent with the Housing SEPP. Accordingly, the route relied upon by the Applicant cannot be used for the purpose of measuring walking distance.

### **1.3 What this means for the development**

When only safe, SEPP-compliant pedestrian routes are used, none of the individual allotments comprising 11–23 Rangers Avenue fall within 800 metres walking distance of Cremorne Town Centre. This applies not only to the easternmost lots, which are clearly further removed from the town centre, but also to the closest allotment at 23 Rangers Avenue.

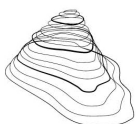
Because Chapter 6 of the Housing SEPP requires each individual lot to independently satisfy the walking-distance requirement, and because no amalgamation has occurred, the proposed development site does not qualify for assessment under the Low and Mid Rise Housing provisions. Without access to Chapter 6 and the associated affordable-housing incentives, the Applicant cannot rely on the Housing SEPP to justify the proposed height, bulk or density. While residential flat buildings are permissible with consent in the R3 zone under the Mosman Local Environmental Plan, the scale of the current proposal is dependent upon the Low and Mid Rise Housing framework and associated bonuses.

Once the correct pedestrian routes are applied and each lot is assessed individually, the proposal does not meet the Housing SEPP walking-distance thresholds and should not be assessed under the Low and Mid Rise Housing provisions.

## **2. UNREASONABLE HEIGHT, BULK AND SCALE**

The proposal introduces a multi-storey residential flat building of a scale that is markedly greater than the prevailing and immediately adjoining development. The northern interface of the site directly addresses Holt Avenue, which is characterised by one- and two-storey detached dwellings with articulated roof forms, landscaped rear yards and a consistent low-rise scale.

The Holt Avenue properties are located within the C4 Environmental Living zone under the Mosman Local Environmental Plan 2012 and form part of the setting of the Holt Estate Heritage Conservation Area. The C4 zone does not permit residential flat buildings or other forms of medium- or high-



density development and will not, at any point in the future, accommodate development of a scale or form comparable to that proposed on the subject site. The low-rise character of Holt Avenue is therefore a permanent and intended planning outcome, not a transitional condition.

Despite this sensitive and enduring interface, the proposal presents a tall and largely continuous built form to the north. The architectural plans demonstrate that the building maintains the same setback from ground level through to Level 5, with no progressive stepping or recession of the building envelope as height increases. Only Level 6 incorporates any increase in setback, and this occurs at the very top of the building. As a result, the bulk of the building reads as a single, tall vertical form when viewed from Holt Avenue and adjoining properties. The limited setback at Level 6 does not materially reduce visual dominance, loss of sky plane or the sense of enclosure experienced at this interface.

The proposal is also numerically non-compliant with the maximum building height development standard under the State Environmental Planning Policy (Housing) 2021. Under Part 2, Division 1, section 16(3) of the Housing SEPP, and on the Applicant's own case, the maximum permissible building height is 22.75 metres after applying the full affordable housing uplift. The Clause 4.6 Variation Request confirms that the proposed building reaches a maximum height of 25.59 metres at the south-eastern corner and 24.37 metres at other points, representing exceedances of up to 2.84 metres (12.48%) above the applicable standard.

The Applicant seeks to justify this exceedance under Clause 4.6. However, the Clause 4.6 Variation Request contains a number of incorrect conclusions and misapplications of the statutory test.

The Applicant states:

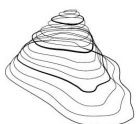
*"As demonstrated above, the objectives of the infill affordable housing provisions of the Housing SEPP and the MLEP height of buildings development standard are achieved notwithstanding the proposed contravention."*

This conclusion is not supported when the objectives relied upon are correctly applied. The objectives of the height of buildings development standard include sharing public and private views, minimising visual impact, ensuring compatibility with the desired future character of the area, and minimising the adverse effects of bulk and scale. As demonstrated below, the proposal results in significant view loss, visual dominance and amenity impacts for Holt Avenue properties within the C4 Environmental Living zone. Those outcomes are inconsistent with the stated objectives and demonstrate that they are not achieved notwithstanding the non-compliance.

In addressing the objective "to share public and private views", the Applicant states:

*"The portion of the building which protrudes above the height limit, is located in the south eastern corner and therefore, would not have any adverse or detrimental impact on view loss from any private dwellings to the immediate north of the site."*

This statement incorrectly limits the Clause 4.6 assessment to the location of the numerical exceedance, rather than properly assessing the additional impacts attributable to that exceedance in the context of the built form as it is experienced from adjoining properties. While Clause 4.6 is concerned with the non-compliant element, the relevant question is whether the additional height sought gives rise to adverse impacts that would not occur under a compliant envelope.



In this case, the proposed building presents a tall, continuous built form along the northern elevation with no setback change from ground level through to Level 5. The additional height sought under the Clause 4.6 variation compounds that built form outcome and further obstructs views from Holt Avenue properties. Had the Applicant or its consultants undertaken an adequate, site-based view assessment from within the affected Holt Avenue dwellings as part of the Clause 4.6 justification, it would have been readily apparent that the additional height contributes to view loss and visual dominance when experienced from those properties. An assessment that focuses solely on the geographic location of the breach, without testing the impacts of the additional height from the relevant private viewing locations, does not properly address whether the objectives of the height standard are achieved notwithstanding the non-compliance.

In addressing visual impact, the Applicant places significant reliance on harbour and foreshore viewpoints, stating:

*“As illustrated in the submitted VIA, five public view locations were undertaken from the harbour and foreshore area.”*

The relevant objective is framed broadly as minimising visual impact, “particularly” when viewed from the harbour and surrounding foreshores. That wording does not limit the assessment to harbour views, nor does it permit unacceptable visual impacts in other sensitive locations. The Clause 4.6 request fails to address the dominant visual impact on the immediately adjoining Holt Avenue interface, where the effects of height, bulk and scale are most acute.

In addressing compatibility with the desired future character, the Applicant states:

*“The site is also located within the LMR area which is subject to new planning controls of 4–8 storeys in height and therefore the built form context is set to undergo a period of urban change.”*

This reasoning is inconsistent with the planning framework and is factually incomplete. Compatibility must be assessed against the desired future character of the area, including adjoining land.

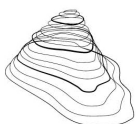
While the subject site is identified by the applicant as within the LMR area, that designation does not extend to the land immediately to the north, east or south of the site. The land to the north is zoned C4 Environmental Living and will never permit development of a comparable scale, while the adjoining land to the east and south is also not subject to the LMR controls. As a result, the site will remain bounded on three sides by areas where low-rise or established development controls apply.

Reliance on anticipated change within the LMR area therefore does not demonstrate compatibility with the permanent and enduring low-density character of Holt Avenue, nor does it support an argument that the proposed built form will “blend in” over time. Instead, the proposal would remain visually and spatially isolated from comparable development to the north, east and south, resulting in an unresolved and abrupt interface with surrounding neighbourhoods.

In concluding that adverse bulk and scale effects are minimised, the Applicant states:

*“The proposed development outcome is considered to result in the optimal approach.”*

Clause 4.6 does not ask whether a proposal represents an “optimal” outcome from a design or yield perspective. It requires the consent authority to be satisfied that the objectives of the development standard are achieved and that sufficient environmental planning grounds exist to justify contravention. In circumstances where the proposal presents a tall, continuous façade to a



permanently low-density residential interface, with no meaningful setback modulation until Level 6, those requirements are not met.

Finally, the Applicant concludes:

*“For the reasons detailed in this request, the variation to building height standard of the Housing SEPP is well-founded and justified and there are sufficient environmental planning grounds to warrant contravention.”*

The environmental planning grounds relied upon, namely affordable housing delivery and assertions of localised impact, do not demonstrate why compliance with the height standard is unreasonable or unnecessary for this site. They do not address the enduring amenity, view and character impacts arising at the Holt Avenue interface. Accordingly, the Clause 4.6 test is not satisfied.

Importantly, the objection raised by the affected Holt Avenue owners is not that the development should be refused solely because it exceeds the maximum building height development standard. Rather, the objection is that even if the development were reduced to a height that complies with the applicable control, the proposed built form would still result in unreasonable and unacceptable impacts on views and residential amenity.

The adverse impacts identified arise from the overall scale, massing and configuration of the built form, including its height, length, lack of articulation and proximity to a permanently low-density C4 zoned environment. While the height exceedance materially exacerbates those impacts, height compliance alone would not cure them.

For these reasons, the proposal fails on both a quantitative and qualitative basis. The Clause 4.6 Variation Request does not demonstrate that compliance with the height development standard is unreasonable or unnecessary, nor does it establish sufficient environmental planning grounds to justify contravention. The height, bulk and scale of the development are unacceptable on planning merit under section 4.15(1)(b) of the Environmental Planning and Assessment Act.

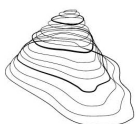
### 3. VIEW LOSS

#### 3.1 Importance of existing views

Dwellings along Holt Avenue presently enjoy high-value views across the subject site. These views include iconic elements such as the Sydney Harbour Bridge, Centrepoint Tower (Sydney Tower Eye), Barangaroo and the broader Sydney CBD skyline, as well as views to the land–water interface of Sydney Harbour. Together, these elements provide depth, orientation and a strong visual connection to Sydney Harbour and form an important and established component of residential amenity.

The existing views are documented in **Appendix D**, which contains a compiled set of photographs taken from within living areas, balconies and private open spaces of the Holt Avenue dwellings. The photographs demonstrate that the views are not incidental or peripheral, but are a regular and meaningful aspect of day-to-day residential amenity.

Under the planning principle established in *Tenacity Consulting Pty Ltd v Warringah Council* [2004] NSWLEC 140, views that contain iconic landmarks and views that include the land–water interface attract the highest level of planning significance. The views documented in **Appendix D** fall squarely within this category and are therefore entitled to substantial weight.



### 3.2 Application of the Tenacity planning principle

The Land and Environment Court in *Tenacity Consulting Pty Ltd v Warringah Council* [2004] NSWLEC 140 set out a four-step process for the assessment of private view loss. Each step is reproduced verbatim below, followed by an assessment of the proposed development against that step;

*26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the 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, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

The views affected from Holt Avenue include high-order and iconic elements, namely views to the Sydney Harbour Bridge, the Sydney CBD skyline (including Centrepoint Tower/The Eye), Barangaroo and the land–water interface of Sydney Harbour. These views are not fragmented glimpses but broad, whole views incorporating both built icons and water. They therefore fall within the highest category of view value contemplated by Tenacity.

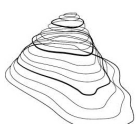
*27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

The affected views are obtained from principal living areas, balconies and private open spaces of the Holt Avenue dwellings across the rear boundaries of those properties, as illustrated in **Appendix D**. They are not side-boundary or oblique views, nor are they incidental sitting views from secondary rooms. Views across rear boundaries from primary habitable rooms and rear private open spaces attract greater weight under Tenacity and form a fundamental component of residential amenity in low-density residential environments. This significantly elevates the planning importance of the impacts arising from the proposal.

*28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

The proposed development introduces a tall, continuous built form along the northern boundary of the site, with no setback change from ground level through to Level 5 and only a limited setback at Level 6. This built form substantially/completely obstructs views across the rear of the Holt Avenue properties. The impact is experienced from principal living areas and rear private open spaces and affects the most valued components of the views, including iconic skyline elements and the harbour interface. When assessed qualitatively, the extent of view loss is severe. The limited setback at Level 6 does not materially reduce the extent or severity of this impact.

*29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying*



*proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

In this case, the proposal is not reasonable. The development exceeds the maximum building height development standard and, as addressed elsewhere in this submission, fails to satisfy the requirements of Clause 4.6. Where view impacts arise as a result of non-compliance with planning controls, Tenacity makes clear that even moderate impacts may be unreasonable. In this instance, the impacts are severe.

Further, even if the development were reduced to a numerically compliant height, the evidence demonstrates that the resulting built form would still cause unacceptable view loss due to its overall height, length, massing and proximity to the rear boundaries of the Holt Avenue properties. A more skilful design could provide a reasonable level of development potential while materially reducing the impact on neighbouring views through reduced height, increased stepping and meaningful articulation at the northern interface. The current proposal does not attempt to achieve that outcome.

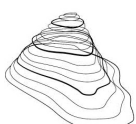
### **3.3 Deficiencies in the VIA and EIS**

The Applicant's Visual Impact Assessment and the Environmental Impact Statement contain a number of incorrect and unsupported conclusions regarding private domain view loss.

The VIA states that *"potential view loss is therefore likely constrained to a limited number of dwellings along Holt Avenue which directly align with the site."* This conclusion is not supported by a dwelling-by-dwelling assessment in accordance with Tenacity, nor by inspections from within affected properties. **Appendix D** demonstrates that views are enjoyed by multiple Holt Avenue dwellings from rear living areas and rear private open spaces and that the impacts are neither limited nor isolated.

The VIA further states that *"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 view loss."* This statement is contradicted by the VIA's own acknowledgement elsewhere that properties to the north have distant views available to the Sydney Harbour Bridge, the city skyline and Mosman harbour, and by the photographic evidence in **Appendix D**. The conclusion is reached without site-based inspection and cannot be relied upon.

The VIA also asserts 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,"* and that *"minor height non-compliances do not cause additional view loss."* These statements misapply both the Housing SEPP and the Tenacity principle. Policy permissibility does not determine reasonableness, and Clause 4.6 requires assessment of whether the additional height sought gives rise to additional impacts. No compliant envelope has been modelled or tested from the rear of the Holt Avenue dwellings to support these assertions. In the absence of any such testing, the Applicant has not demonstrated that a development which complies with the applicable height control would avoid, or materially reduce, the loss of views identified. On the contrary, having regard to the length, massing and proximity of the proposed built form to the rear boundaries of the Holt Avenue properties, it is evident that even a numerically compliant development would result in the substantial obstruction of existing views. The failure to model or assess a compliant envelope from the relevant rear viewing locations therefore undermines the Applicant's conclusion that view impacts are limited, anticipated or acceptable.



The EIS repeats these errors, stating that *“the visual impacts on the SPA have been assessed and determined to be acceptable”* and that *“in considering steps 1–4, and in the context of the LMR policy controls, potential view impacts are likely to be supportable.”* These conclusions rely primarily on public domain views and incorrectly treat strategic planning policy as determinative of the private view loss assessment required under the Tenacity principle. Acceptable public views do not negate unacceptable private amenity impacts, particularly where those impacts occur across rear boundaries from principal living areas.

For the reasons set out above, the proposed development will result in significant and unreasonable view loss for Holt Avenue properties. The impacts arise from the height, length and massing of the proposed built form and are experienced directly across the rear boundaries of those properties. When assessed under section 4.15(1)(b) of the Environmental Planning and Assessment Act, the Tenacity planning principle and Clause 6.4 of the Mosman Local Environmental Plan 2012, the view loss and visual impacts are unacceptable and provide a clear and independent basis for refusal or substantial redesign of the proposal.

## **4. TRANSITION, PRIVACY AND INTERFACE IMPACTS**

### **4.1 Interface context**

The northern boundary of the subject site directly interfaces with established low-density residential development along Holt Avenue. That interface is defined by Bloxsome Lane, a narrow laneway that provides no meaningful separation in visual, spatial or amenity terms.

Properties along Holt Avenue are zoned C4 Environmental Living under the Mosman Local Environmental Plan 2012 and form part of the Holt Estate Heritage Conservation Area. This zoning and heritage context establish a permanent low-scale residential environment characterised by detached dwellings, generous rear setbacks, landscaped private open spaces and a high level of residential amenity. There is no expectation that this interface will transition to medium- or high-density development in the future.

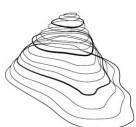
Accordingly, the interface between the subject site and Holt Avenue is a sensitive and enduring residential edge that requires a high level of design responsiveness, including appropriate transition in height, bulk and built form.

### **4.2 Inadequate transition in built form**

The proposed development fails to achieve an appropriate transition in scale or form at the northern interface. As demonstrated in the architectural plans, the building maintains the same setback from ground level through to Level 5, with no meaningful stepping or modulation of the building envelope as height increases. Only Level 6 incorporates any increase in setback, and this occurs at the very top of the building.

This results in a tall, continuous built form presenting directly to the rear of Holt Avenue properties. The absence of graduated setbacks or articulated massing produces an abrupt and unresolved transition between a large-scale residential flat building and a permanently low-density residential environment.

The separation provided by Bloxsome Lane does not mitigate this outcome. Given the narrow width of the laneway and the overall height and mass of the proposed development, the built form



remains visually dominant when experienced from Holt Avenue dwellings and rear private open spaces.

#### **4.3 Floor space distribution and massing strategy**

The amenity impacts at the northern interface are not an unavoidable consequence of achieving the permissible floor space ratio. Rather, they arise from the particular manner in which floor space has been distributed vertically within the building envelope.

The proposal adopts a massing strategy that concentrates floor space into a tall, largely uniform building form, thereby increasing overall height and presenting a continuous vertical façade along the northern elevation. This approach uses height as the primary means of accommodating development yield, rather than redistributing floor space to achieve a more responsive built form outcome.

From a planning and urban design perspective, a commonly accepted approach in sensitive interface locations is to accommodate a greater proportion of permissible floor space at lower levels, with the building progressively narrowing or stepping as it rises. Such an approach allows development potential to be realised while reducing visual dominance, overlooking and sense of enclosure impacts on adjoining lower-density properties.

In this case, the Applicant has not pursued a massing strategy that broadens the building at lower levels and meaningfully reduces bulk and height at upper levels toward the Holt Avenue interface. Instead, the floor plate remains largely consistent through the lower and mid-level storeys, driving the building upward and intensifying amenity impacts as the building rises.

#### **4.4 Privacy impacts**

The proposal gives rise to significant and unreasonable privacy impacts for Holt Avenue properties. The height, length and proximity of the built form, combined with elevated habitable rooms and balconies, result in direct and perceived overlooking of rear living areas, private open spaces and rear windows of adjoining dwellings.

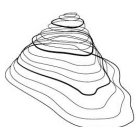
These impacts are particularly acute given that the Holt Avenue dwellings are oriented southwards, with primary living spaces and private open spaces located to the rear of the properties facing the subject site. The interface is therefore not a side or secondary relationship, but a direct rear-to-rear residential interface.

While the Applicant relies on separation distances, landscaping and screening measures, these treatments do not adequately address the privacy impacts arising from the vertical scale and configuration of the built form. Landscaping cannot mitigate overlooking from elevated storeys, and separation distances are insufficient to offset the loss of privacy created by a tall, continuous northern elevation.

#### **4.5 Additional privacy impacts arising from the internal arrangement of habitable rooms and balconies**

Further privacy impacts arise from the internal configuration of apartments within the easternmost tower, as shown in the Applicant's Appendix M – Design Report Part 3. That material confirms that all affordable housing units are located at the rear of the eastern tower, directly adjoining the northern interface with Holt Avenue.

The Design Report demonstrates that the north-facing balconies associated with these apartments are the only balconies provided for those units and are oriented directly toward the rear living areas



and private open spaces of properties at 18–22 Holt Avenue. These balconies are not secondary or incidental elements, but form an integral part of the primary living spaces of the apartments.

In addition, the Design Report shows that the affordable housing units incorporate kitchen, living and dining rooms on the northern side, with direct access to the north-facing balconies. These primary habitable rooms therefore directly overlook adjoining dwellings and backyards across Bloxsome Lane.

This outcome is particularly problematic given that this portion of the development also exhibits the smallest separation distance to the Holt Avenue properties. The concentration of primary living spaces and balconies at this location intensifies overlooking and loss of privacy at the most sensitive point of the interface.

From a planning perspective, this arrangement reflects a design response that prioritises internal yield and unit layout over the protection of residential amenity at the site boundary. The placement of primary habitable rooms and balconies at the rear of the eastern tower exacerbates privacy impacts that cannot be adequately mitigated through landscaping or screening, particularly given the height and proximity of the built form.

#### **4.6 Sense of enclosure and dominance**

The combined effect of height, length and limited articulation of the northern elevation results in a pronounced sense of enclosure for Holt Avenue properties. The proposed development occupies a substantial proportion of the rear outlook from these dwellings, reducing sky visibility and creating an overbearing built presence.

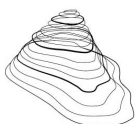
This sense of enclosure is experienced across rear gardens, decks and internal living spaces, fundamentally altering the spatial quality and amenity of the affected properties. Such outcomes are inconsistent with reasonable expectations of residential amenity for dwellings within a C4 Environmental Living zone and a heritage conservation area, where low-scale development and generous separation are defining characteristics.

#### **4.7 Failure to respond to heritage and environmental context**

The Holt Estate Heritage Conservation Area is characterised by low-rise detached dwellings set within landscaped gardens, with a strong emphasis on spatial separation, outlook and residential amenity. The subject site directly adjoins this heritage context along its northern boundary, and the interface with Holt Avenue forms part of the setting of the Heritage Conservation Area.

The proposed development does not respond to this context in a meaningful or sympathetic way. Rather than providing a sensitive transition that respects the established heritage scale, form and amenity of adjoining properties, the proposal introduces a dominant built form that overwhelms the scale of surrounding development and erodes the amenity of the heritage setting.

In recognition of the sensitivity of this interface and the shortcomings of the Applicant's assessment, the affected Holt Avenue owners have engaged an independent Heritage Consultant to review the proposal and assess its impacts on the heritage significance and setting of the Holt Estate Heritage Conservation Area. Independent heritage advice prepared by Grahame Brooks of GBA Heritage has now been prepared and is submitted separately. It identifies substantial and unacceptable heritage and visual impacts arising from the scale, massing and proximity of the proposal to the Holt Estate Heritage Conservation Area, and supports the conclusions reached in this submission.



This failure to appropriately respond to the heritage setting is compounded by the fact that the land to the north is zoned C4 Environmental Living and will not be redeveloped to a comparable scale. The impacts arising from the proposed development are therefore not transitional or temporary, but enduring and irreconcilable with the established and intended character of the Holt Avenue interface.

## 5. SECONDARY AMENITY IMPACTS

### 5.1 Traffic and access impacts

The scale of the proposed development will generate a noticeable increase in traffic movements associated with residents, visitors, deliveries and service providers. While primary vehicular access is proposed from Rangers Avenue, the surrounding local road network, including Holt Avenue, is likely to experience indirect impacts.

Holt Avenue is a low-scale residential street characterised by detached dwellings, limited on-street parking capacity and a streetscape not designed to accommodate overflow parking or increased traffic associated with higher-density development. The Traffic Impact Assessment focuses primarily on Rangers Avenue and does not adequately address the likelihood that additional vehicles will seek to park or circulate through Holt Avenue and nearby residential streets, particularly during peak periods or visitor-heavy times.

The introduction of 44 residential dwellings represents a substantial intensification of use relative to the existing development pattern. This intensification places additional pressure on an already constrained local road network and contributes to amenity impacts that extend beyond the immediate site frontage.

### 5.2 Noise impacts from increased activity

The proposed development will introduce ongoing operational noise associated with higher residential density. This includes noise generated by the use of balconies and communal areas, mechanical plant, waste collection activities and increased vehicle movements.

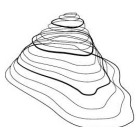
The northern interface with Holt Avenue is particularly sensitive to these impacts given the existing low-density residential context and the orientation of dwellings toward the site. The concentration of habitable rooms and balconies facing the northern boundary increases the likelihood of noise transmission into adjoining rear yards and living spaces.

While some degree of noise may be typical of multi-unit residential development, the scale, height and configuration of the proposal intensify the potential for noise intrusion beyond what would reasonably be expected in this location. These impacts further erode residential amenity for Holt Avenue properties.

### 5.3 Construction impacts

Construction impacts associated with the proposal are expected to be significant due to the extent of excavation, the height of the building and the anticipated duration of works. The development involves deep excavation for basement levels and the construction of a multi-storey structure, which will generate prolonged noise, vibration, dust and construction-related traffic.

Holt Avenue's proximity to the site and its low-density residential character mean that nearby dwellings have limited capacity to absorb these impacts. Compared with higher-density urban environments, the acoustic and amenity resilience of Holt Avenue is lower, and construction impacts will therefore be more pronounced and disruptive for neighbouring residents.



While construction impacts are temporary, their duration and intensity are relevant considerations under section 4.15(1)(b), particularly where they compound other permanent amenity impacts arising from the completed development.

#### **5.4 Loss of landscape character**

The Landscape Concept Plan proposes extensive planting over basement structures, where soil depths are inherently limited. These conditions restrict the ability of vegetation to establish and mature to the heights and densities depicted in the Applicant's visual material.

As a result, the existing vegetated character and the soft, leafy backdrop that currently contributes to the amenity of Holt Avenue is likely to be diminished over time. The replacement of deep-rooted vegetation with shallow planting over basement slabs reduces the long-term effectiveness of landscaping as a visual and privacy buffer.

The loss of landscape capacity exacerbates the perceived height and scale of the development, increases visual dominance at the northern interface, and further diminishes privacy and residential amenity for adjoining properties.

#### **5.5 Excavation and basement construction impacts**

The proposed development involves substantial excavation works associated with the construction of basement levels beneath the site. Given the scale of the building, the depth of excavation required and the constrained nature of the surrounding environment, these works have the potential to give rise to significant amenity impacts for adjoining properties.

The northern interface of the site adjoins Bloxsome Lane and established low-density residential development along Holt Avenue. The proximity of excavation works to these properties, combined with the narrow width of the laneway and limited construction access options, increases the likelihood of prolonged noise, vibration, dust generation and disruption to local access and on-street parking during the construction phase.

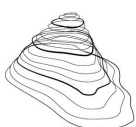
The affected residents have raised concerns regarding the extent and duration of excavation activities and the potential for cumulative impacts arising from basement construction in close proximity to their dwellings.

While excavation impacts are temporary in nature, their intensity, duration and proximity to sensitive residential receivers are relevant considerations under section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979. In this case, excavation-related impacts would compound the permanent amenity impacts arising from the height, bulk and scale of the development, further diminishing residential amenity for Holt Avenue properties.

In the absence of detailed, site-specific information demonstrating how excavation impacts would be effectively mitigated, these impacts weigh against the proposal when assessed on cumulative amenity grounds.

#### **5.6 Cumulative amenity impacts**

When considered individually, traffic, noise, construction and landscape impacts may be characterised as secondary issues. However, when assessed cumulatively, these impacts reinforce the broader concerns regarding excessive height, bulk and scale and demonstrate that the proposal is fundamentally incompatible with the amenity expectations of the Holt Avenue residential environment.



The combined effect of increased traffic pressure, ongoing noise, prolonged construction impacts and diminished landscape character contributes to an overall pattern of unreasonable environmental impact. When assessed cumulatively under section 4.15(1)(b) of the Environmental Planning and Assessment Act, these secondary amenity impacts provide further support for refusal of the application or, at a minimum, substantial redesign.

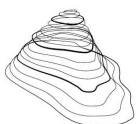
## CONCLUSION

The proposed development at 11–23 Rangers Avenue should be refused for the following reasons.

- First, the site does not satisfy the 800-metre walking distance requirement necessary to rely on the Low and Mid Rise Housing provisions of the State Environmental Planning Policy (Housing) 2021. When the statutory definition of “walking distance” is applied correctly, using routes that may be safely walked by a pedestrian and assessing each individual lot separately, none of the lots comprising the subject site fall within 800 metres of Cremorne Town Centre. In these circumstances, the proposal is not eligible to be assessed under Chapter 6 of the Housing SEPP.

Notwithstanding the above conclusion that the site does not meet the 800-metre requirement, the proposal is also unacceptable on planning merit for the following reasons;

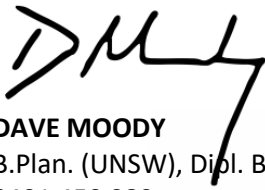
- The most significant and determinative issue is the extent of unreasonable view loss experienced by properties along Holt Avenue. As demonstrated in this submission and documented in **Appendix D**, the proposal would result in the loss of high-value rear-boundary views that include iconic skyline elements and the land–water interface of Sydney Harbour. When assessed in accordance with the four-step process set out in *Tenacity Consulting Pty Ltd v Warringah Council* [2004] NSWLEC 140, the view loss is severe, affects the most valued components of the views, and is not reasonable. Critically, the evidence demonstrates that even a numerically compliant building height would still result in unacceptable view loss, due to the overall height, length, massing and proximity of the built form to the Holt Avenue interface.
- The proposal also fails to achieve an appropriate transition in scale and built form to the permanently low-density residential environment to the north. The northern interface adjoins land zoned C4 Environmental Living and within the Holt Estate Heritage Conservation Area, where there is no expectation of future redevelopment to a comparable scale. The development presents as a tall, continuous built form with no meaningful stepping through the lower and mid-levels, resulting in visual dominance, loss of outlook, privacy impacts and an unreasonable sense of enclosure for adjoining dwellings.
- These impacts are not an unavoidable consequence of achieving permissible development yield. Rather, they arise from the manner in which floor space has been distributed vertically, driving overall height and concentrating primary habitable rooms and balconies at the most sensitive part of the interface. A more skilful and site-responsive design could redistribute built form, accommodate a greater proportion of floor space at lower levels, and progressively reduce height and bulk toward the northern boundary to maintain reasonable views and residential amenity.
- The proposal further fails to adequately respond to the heritage and environmental context of Holt Avenue. The scale and massing of the development erode the amenity and setting of the Holt Estate Heritage Conservation Area, an issue of sufficient concern that the owners have engaged an independent Heritage Consultant to provide further advice.
- Secondary amenity impacts relating to traffic pressure, operational noise, construction impacts and loss of landscape capacity reinforce the conclusion that the proposal is



incompatible with the amenity expectations of the Holt Avenue residential environment when assessed cumulatively under section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.

For these reasons, the application should be refused. Alternatively, consent should not be granted unless the proposal is subject to a fundamental redesign that more appropriately distributes built form, achieves a meaningful transition to the northern interface, maintains reasonable rear-boundary views from Holt Avenue properties, and preserves the existing residential and heritage amenity of the surrounding area.

Regards



**DAVE MOODY**

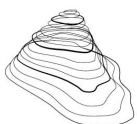
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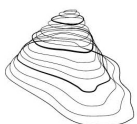


**Northern  
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## APPENDIX A - 11-23 Rangers Avenue-Mosman Survey Report

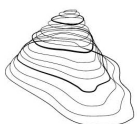


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**APPENDIX B - North Sydney Council Traffic Committee 9 June 2023 & 27 October 2025**

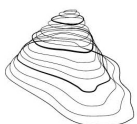


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## APPENDIX C - Spofforth Street Accident Report

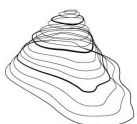


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## Appendix D - Holt Ave Residents Existing Views



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