

Submission on Proposed Development at 11–23 Rangers Avenue, Mosman (SSD-96272465, Infill Affordable housing)

Thank you for the opportunity to comment on this development. In my view there are substantive issues that must be addressed before any determination is contemplated.

1. The site appears ineligible for LMR planning controls because the applicant's proposed walking route to Cremorne Town Centre is not safe

The State Environmental Planning Policy (Housing) 2021 (referred to as Housing SEPP in this submission) defines "walking distance" as (bold for emphasis):

*"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**".*

In order for a pedestrian to walk from the site to the Cremorne Town Centre (or MU1 Zone), whether commencing from Bloxsome Lane or Rangers Avenue, it is necessary to cross Spofforth Street.

Spofforth Street carries high traffic volumes, particularly during peak periods, and is widely used by motorists seeking to bypass congestion on Military Road in multiple directions. Safe pedestrian crossing of this road is therefore a critical consideration in assessing compliance with the statutory definition.

The applicant has furnished a Surveyor Walking Map, Appendix GG, to support an assertion that the subject site lies within 800m walking distance of the Cremorne Town Centre and hence lies within the LMR Outer Area. However, this assertion relies on two walking routes both of which require pedestrians to cross Spofforth Street at an **uncontrolled location at the Spofforth Street/Holt Avenue intersection** (from the Mosman to Cremorne side), **without the use of any formal pedestrian crossing.**

A pedestrian crossing Spofforth Street at Holt Avenue has to contend with traffic from multiple directions: north and south along Spofforth St, vehicles turning left or right from Holt Avenue - Mosman side into Spofforth Street or heading across Spofforth Street to enter Holt Avenue - Cremorne side, and vehicles exiting Holt Avenue - Cremorne side, trying to enter Spofforth Street or Holt Avenue - Mosman side. Similar challenges arise when trying to cross Spofforth Street from the Spofforth Street/Holt Avenue intersection from the Cremorne side. Further, there is no central refuge island or any refuge markings at Spofforth Street/Holt Avenue.

Figures 1-3 show the Holt Avenue/Spofforth Street intersection. It can be seen that a range of vehicle types, including heavy vehicles, utilise Spofforth Street with no obligation to give way to pedestrians crossing Spofforth Street at Holt Avenue.

Such a crossing **cannot reasonably be characterised as a safe pedestrian route**, particularly in the context of the presence of **two nearby controlled and demonstrably safer alternatives**: a zebra crossing at Spofforth Street/Cranbrook Avenue and a signalised crossing at Spofforth Street/Military Road.

Further, there is **no footpath on Bloxsome Lane** and **walking through Bloxsome Lane could be dangerous at night**. The quality of lighting to enable safe walking at night, is unknown. It is questionable as to whether any genuinely safe walking route can include walking along Bloxsome Lane.

The reliance by the applicant on informal and unsafe crossings, particularly where safe and controlled pedestrian crossings are readily available, is inconsistent with the Housing SEPP requirement that walking distance be measured along a route that **may be safely walked** and that makes use of pedestrian crossings **as far as reasonably practicable**. **On this basis, the applicant's methodology does not satisfy the statutory definition of "walking distance."**

Figure 1: Spofforth Street/Holt Avenue intersection – semitrailer and other vehicles heading south with no requirement to give way to pedestrians, NOT a safe crossing (source: Google Maps)

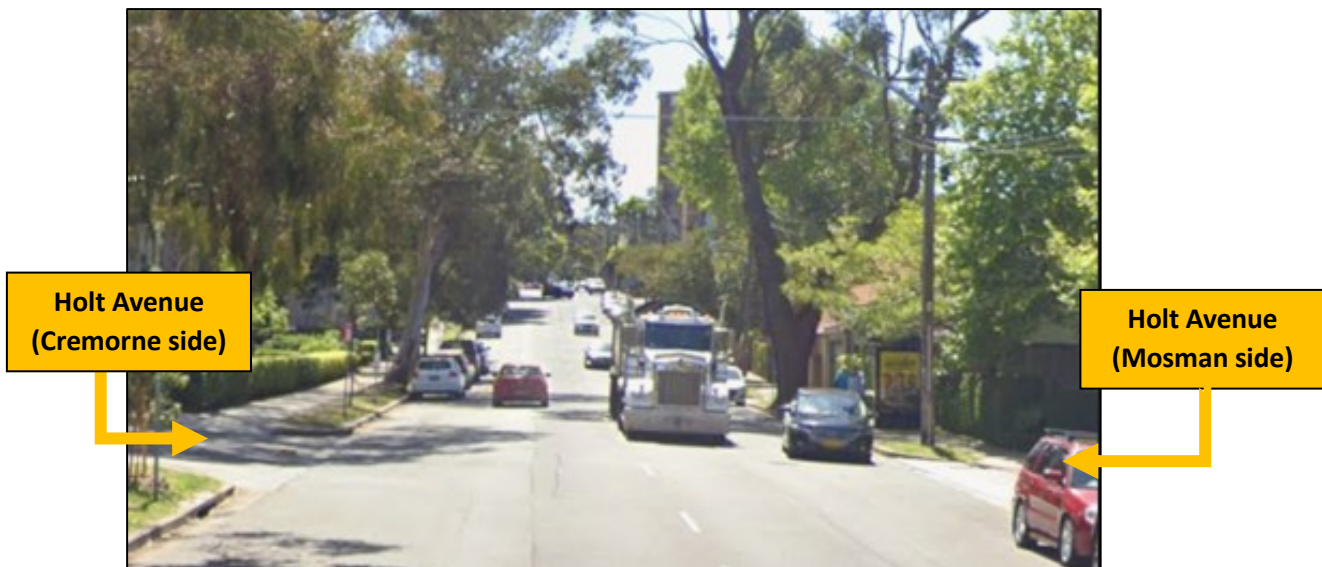
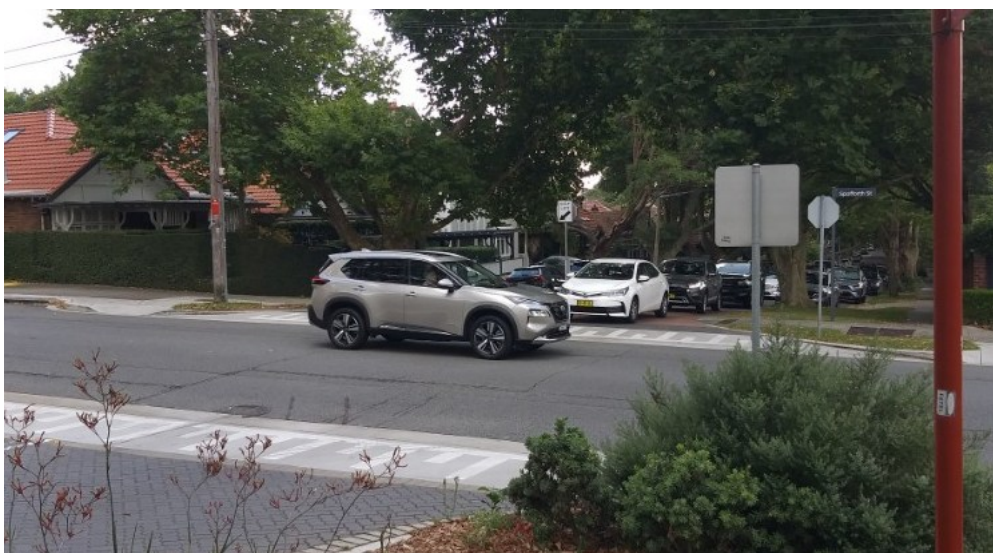


Figure 2: Photo taken of Spofforth Street/Holt Avenue intersection (Mosman side) – shows cars and buses in both directions, and cars queuing on Holt Avenue to turn into Spofforth Street, with no obligation to give way to pedestrians – NOT a safe crossing



Figure 3: Photo taken of Spofforth Street/Holt Avenue intersection (Mosman side) – shows cars queuing to enter Spofforth Street with no obligation to give way to pedestrians – NOT a safe crossing



When the walking distance is measured from the same starting points identified by the applicant, but using either the Cranbrook Avenue/Spofforth Street zebra crossing or the Military Road/Spofforth Street signalised crossing to cross Spofforth Street, the resulting distance to the Cremorne MU1 zone exceeds 800 metres.

Figures 4, 5 and 6 illustrate these measurements using the NSW Planning Portal Spatial Viewer.

Figure 4: Safe Route – Walk along Bloxsome Lane, turn left at Spofforth Street, cross Spofforth Street at safe zebra crossing, walk along Spofforth Street to Cremorne Town Centre – approximately 817m

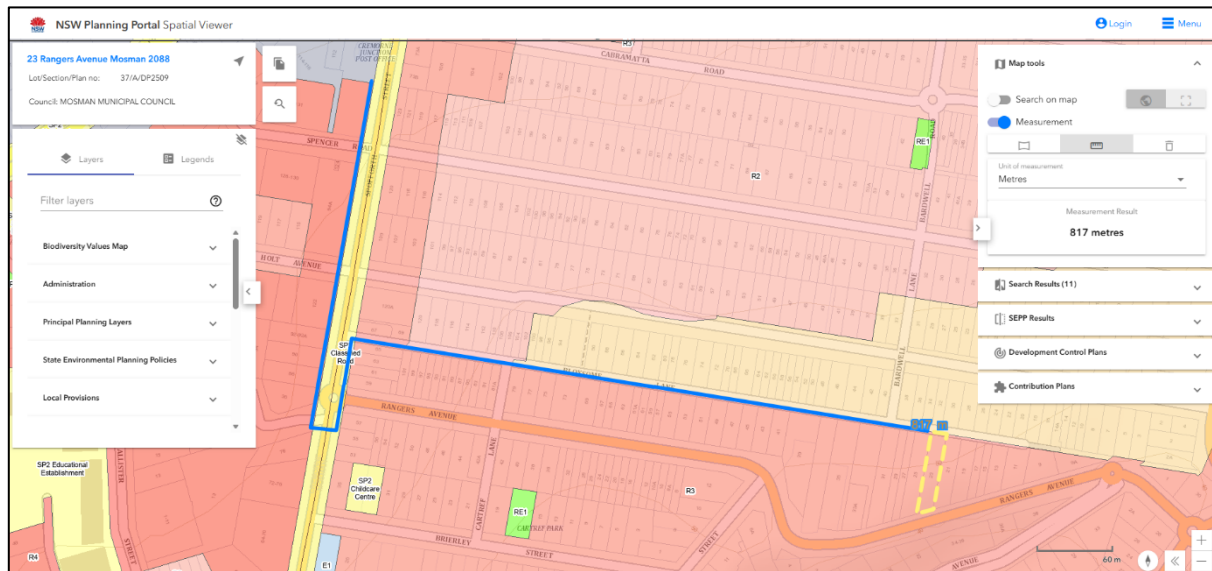


Figure 5: Safe Route - Walk along Rangers Avenue, turn left at Spofforth Street, cross Spofforth Street at safe zebra crossing, walk along Spofforth Street to Cremorne Town Centre – approximately 816m

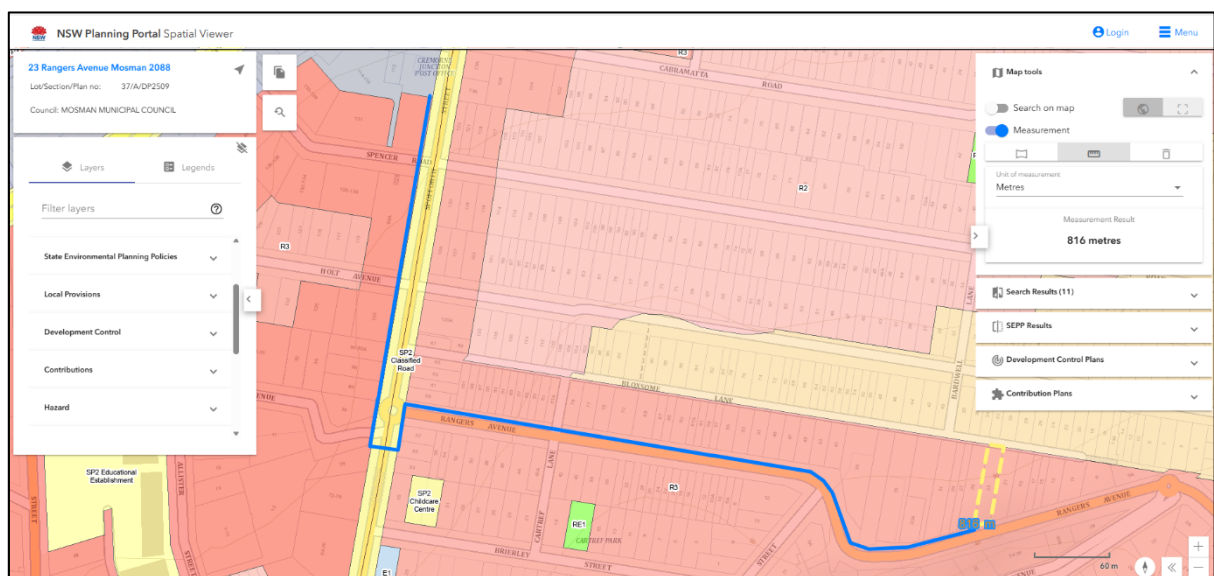
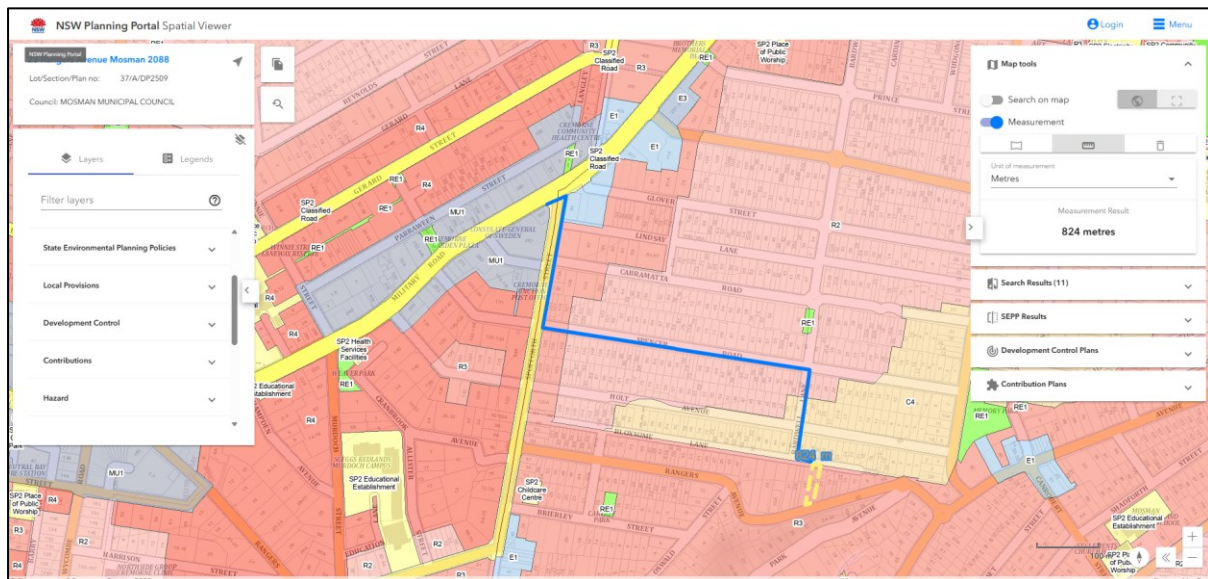


Figure 6: Safe Route – From Blossome Lane, turn right into and walk along Bardwell Lane, turn left into and walk along Spencer Road (or Holt Avenue or Cabramatta Road), turn right into and walk along Spofforth Street, and cross Spofforth Street at signalled Pedestrian Crossing at the top of Spofforth Street/Military Road – approximately 824m



In order for the proposal to be eligible for assessment under the LMR provisions and be eligible for the LMR uplift, the applicant must furnish to DPHI evidence demonstrating that the site is within 800 walking distance of the Cremorne Town Centre, where such “walking distance” represents a safe route for pedestrians.

If the applicant cannot provide satisfactory evidence, then it cannot be eligible for the LMR height and FSR bonus.

2. Infill Affordable Housing criteria

To be eligible for the Infill Affordable Housing height and FSR bonus under Chapter 2 of the Housing SEPP, the applicant must demonstrate satisfaction of a number of criteria, including that the site is within an “accessible area”.

The applicant has not provided satisfactory evidence. The applicant’s documentation merely states, *“The site is located within the LMR ‘outer area’ under the Housing SEPP, within 800m of the Cremorne Town Centre and within 400m of frequent transport and therefore meets the ‘accessible area’ requirements of the Housing SEPP. This confirms that the proposal will be located within an “Accessible Area”.*¹

As previously outlined, the site does not appear to be within the LMR Outer Area because the walking routes relied upon by the applicant require pedestrians to cross Spofforth Street at an uncontrolled location with no proper pedestrian crossing, when two safe and controlled pedestrian crossings exist nearby. The applicant’s walking routes therefore cannot reasonably be characterised as safe.

In any case, proximity to a town centre is **not a criterion for eligibility under the Infill Affordable Housing provisions** and therefore is **irrelevant to the assessment**.

While it is possible that the site may meet a relevant criterion, that is, it may be within 400m walking distance of frequent public transport (where walking distance needs to be via a **safe** route), the applicant has provided no such evidence. In the absence of such evidence, the “accessible area”

¹ Urbis, Appendix C - Statutory Compliance Table, page 4

requirement has not been demonstrated, and DPHI should require the applicant to substantiate this claim before progressing the application.

3. Absence of an appropriate built-form transition to adjoining C4 and scenic areas

The site directly adjoins land zoned C4 Environmental Living, a zone excluded from the LMR reforms. Objectives of this land-use zone under the Mosman Local Environment Plan 2012 includes,

“to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values”;

“maintain the general dominance of landscape over built form”, and

“to encourage residential development that maintains or enhances local amenity and, in particular, public and private views.”

Where R3 land adjoins C4 land, careful transition in scale and built form is essential to protect the visual and environmental qualities of these areas. However, the height and massing of the proposed development exceed what could reasonably be described as a sensitive transition. Rather than stepping down towards the ridgeline and respecting the heritage area to the north, the development rises significantly above the prevailing scale. This approach is inconsistent with the strategic intent of retaining landscape character, minimising visual dominance, and respecting scenic protection areas towards Mosman Bay.

4. Inadequate visual impact / view loss analysis

DPHI specifically requested, in its *SSD SEARs Industry Specific Cover Letter* (point 4):

*“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 applicant’s assessment is inadequate:

- Clause 6.4 requires demonstration that the development protects the natural and visual environment of Mosman and Sydney Harbour, minimises the visual impact, and reinforces the dominance of landscape over built form. The proposal does not achieve any of these objectives. Rangers Avenue sits on a sloping ridgeline where existing development naturally descends southward. Introducing a building of this massive scale will significantly alter the topography, disrupt harbour views, and compromise scenic landscape values.
- The assessment contains no analysis from viewpoints within Holt Avenue or Spencer Road—locations most likely to experience moderate to high visual impact. This omission inhibits an understanding of how the development will appear from these locations.
- The Visual Impact Assessment contains errors and omissions. For example:
 - The report states (bold for emphasis), *“Part of the site is located within the Scenic Protection Area (SPA) under the Mosman Local Environmental Plan (2012)”*.² However, a review of the Mosman LEP 2012 Scenic Protection Map Sheet SCP_002 shows that the **entire site** is within the Scenic Protection Area. Refer to Figure 7, extracted from the Mosman Scenic Protection map, which shows the Scenic Protection areas in yellow.
 - Another example is the statement (bold for emphasis), *“We note that no part of the site falls within or near a heritage conservation area”*.³ This is not correct as the site

² Urbis, Visual Impact Assessment, November 2025, page 19, section 4.2.

³ As above, page 13, section 3.2.

is directly adjacent to the directly adjacent to Holt Estate Heritage Conservation Area. Refer to Figure 8 (extracted from the NSW Planning Portal Spatial Viewer), in which the hatched areas represent the Heritage Conservation Areas.

Without accurate analysis, the full extent of visual impacts cannot be understood.

Figure 7: Extract from Mosman Local Environmental Plan 2012, Scenic Protection Map Sheet SCP_002, yellow shaded areas showing Scenic Protection Areas with the subject site marked with a red rectangle [5350 COM SCP 002 010 20110901](#)

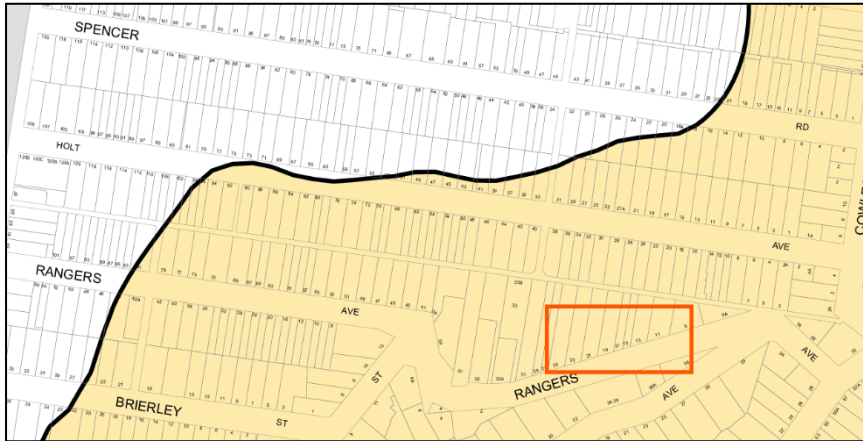
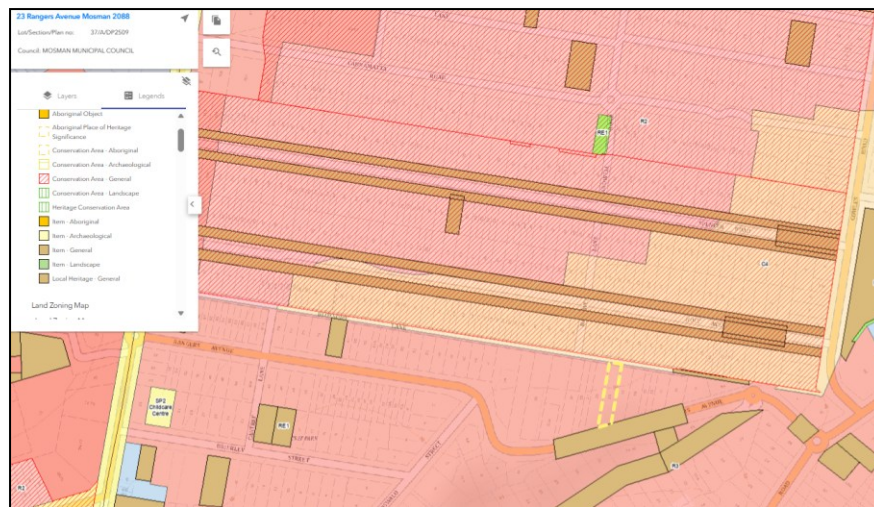


Figure 8: Extract from NSW Planning Portal Spatial Viewer, hatched areas representing heritage conservation areas (north of Bloxsome Lane)



5. Affordable Housing

The applicant is seeking consent for the proposal as an “Infill Affordable Housing” SSD development.

As discussed in section 2 of this submission, the applicant has not demonstrated that the proposal meets the *Accessible Area* criteria for Infill Affordable Housing.

Further, the reality is that the proposal is a luxury apartment development in a high-value, highly scenic location. The applicant is offering this arrangement for only 15 years, after which the developer will be able to convert them back into “non-affordable” units.

Given the scale and value of the development, the affordable housing contribution appears disproportionately low relative to the development uplift and private commercial benefit conferred on the developer.

DPHI should carefully scrutinise whether the proposal satisfies the underlying policy rationale of the Infill Affordable Housing provisions and consider whether stronger, longer-term or more substantial affordable housing requirements are necessary to ensure that approvals under this pathway deliver genuine and commensurate public benefits.

6. Inadequate community consultation period

The 14-day community consultation period, which reflects the minimum consultation period permitted, is grossly inadequate. As 14 days is the minimum, DPHI could have opted to allow for a more reasonable timeframe of 28 days, especially given the upcoming Christmas and New Year period during which community capacity to engage is limited.

This truncated exhibition period follows DPHI's September 2025 amendment to its Community Participation Plan, which enables discretionary reductions in consultation timeframes. The slashing of community consultation timeframes is clearly contrary to the intent and the objectives of the *Environmental Planning and Assessment Act 1979*, which places meaningful community participation at the centre of the planning system.

Cutting 14 days from the community consultation timeframe does nothing to meaningfully accelerate housing delivery. Its effect is to simply constrain informed community input and diminish public participation in planning decisions.

It is noted that DPHI have elected not to publish submissions made by the public in relation to the September 2025 amendment of the Community Consultation Plan and slashing of minimum community consultation timeframes. This omission is inconsistent with basic principles of transparency and further undermines confidence in the planning system and in our government.

Conclusion

DPHI have an important role to play in making decisions that will have impacts on our current and future communities. Decisions made by DPHI will either strengthen or erode confidence in the NSW government and the integrity of the NSW planning system.

I urge DPHI to:

- (i) Rigorously assess the proposed development at 11-23 Rangers Avenue Mosman and require the highest planning, design and public interest standards, including any necessary amendments, to ensure any development approved delivers genuine and enduring public benefit;
- (ii) Champion for the reform of the affordable housing provisions to ensure that the policy gives effect to housing that is genuinely affordable and that the public benefit delivered is proportionate to the development uplift and commercial benefit conferred on the developer; and
- (iii) Commit to at least a 28 days community consultation period for future residential SSDs to support meaningful public participation and transparent decision making.

Thank you for considering my submission.

M. Flynn

17 December 2025