

FORMAL OBJECTION TO STATE SIGNIFICANT DEVELOPMENT

Application No. SSD-93020230

40–48 Redan Street, Mosman NSW

20 March 2026

The Secretary

NSW Department of Planning, Housing and Infrastructure

Re: Formal Objection – SSD-93020230 – 40–48 Redan Street, Mosman – Proposed 10-Storey, 53-Unit Residential Development

I write to formally object to the above-referenced State Significant Development application in the strongest possible terms. This submission sets out grounds why the proposal, as lodged, should be refused in its entirety.

1. Introduction and Standing to Object

I am a resident of Mosman and a member of the community directly affected by this proposal. I have a material interest in the planning outcome for this site and submit this objection in accordance with the public exhibition process conducted by the NSW Department of Planning, Housing and Infrastructure.

While I acknowledge the NSW Government's policy objective to increase housing supply, that objective does not override the requirement for individual proposals to comply with applicable planning controls, to protect heritage, and to avoid serious amenity and safety impacts on existing residents. This proposal fails on all of those measures.

2. Overview of the Proposal and Key Objections

The application proposes a 10-storey, 53-unit residential flat building with 106 car spaces on land at 40–48 Redan Street, Mosman. The site is constrained, heritage-adjacent, located within a Scenic Protection Area, and accessed from a narrow laneway with no footpaths.

My objections are summarised as follows and addressed in detail in the sections below:

- The development is not “low to mid rise” as contemplated by the enabling planning controls. At 10 storeys, it is high-density overdevelopment.
- The proposal is non-compliant with applicable height controls and relies on a Clause 4.6 variation. A development that breaches fundamental planning controls cannot be characterised as compliant.
- The proposal will cause unacceptable harm to adjacent heritage-listed properties at 36 and 38 Redan Street.
- The site is within a Scenic Protection Area. A 10-storey building is irreconcilable with the purpose of that designation.
- The proposed excavation of up to 10 metres into sandstone creates serious and unmitigated risk to adjoining residential structures.

- The narrow Redan Lane, which lacks footpaths, cannot safely accommodate the waste and service vehicle movements required by this development.
- Technical reports submitted by the applicant are internally inconsistent: they acknowledge significant impacts and then attempt to minimise or dismiss them without adequate justification.
- The separation of 11 affordable housing units with laneway-only access raises serious equity and design inclusion concerns.

3. The Proposal Is Overdevelopment – Not “Low to Mid Rise”

The NSW Government’s low to mid rise housing reforms were introduced to facilitate modest, contextually appropriate infill development, particularly in areas well-served by public transport. The planning intent was to deliver 3–6 storey buildings that sit reasonably within established residential streetscapes.

This proposal is a 10-storey building containing 53 apartments. It is not low to mid rise by any reasonable interpretation of that term. The use of State Significant Development pathways to deliver what is, in effect, a high-density tower in a low-scale residential neighbourhood is not consistent with the spirit or intent of the enabling legislation.

Mosman is a low-scale, predominantly detached and semi-detached residential area with heritage streetscapes. A 10-storey building on Redan Street would not be contextually appropriate in any established planning framework applicable to this locality. The enabling of this proposal under reforms ostensibly designed for “low to mid rise” housing represents exactly the kind of planning overreach that erodes community trust in development policy.

The decision-maker should consider the precedent this approval would set. If this proposal is approved, the planning controls that govern Mosman’s residential character become effectively meaningless. The harm is not limited to this site – it is irreversible and cumulative.

4. Non-Compliance with Height Controls and Clause 4.6 Variation

The proposal exceeds the applicable height of buildings development standard and relies on a Clause 4.6 variation to justify that non-compliance. This is a critical planning concern.

Clause 4.6 of the Standard Instrument Local Environmental Plan permits variations to development standards in limited circumstances where strict compliance would be unreasonable or unnecessary, and where the proposed development is consistent with the objectives of the standard. It is not a mechanism for wholesale departure from fundamental controls simply because a developer wishes to maximise yield.

Height limits exist for substantive planning reasons: they protect solar access, amenity, view corridors, and the scale of residential neighbourhoods. A 10-storey building on this constrained site exceeds those limits not marginally but materially. The applicant’s characterisation of the proposal as “compliant” despite the Clause 4.6 variation is misleading and should be rejected.

I submit that:

- The applicant has not demonstrated that strict compliance is unreasonable or unnecessary;
- The proposal is not consistent with the objectives of the height standard, which are to protect residential scale and amenity; and
- The granting of this variation would set an unacceptable precedent for further non-compliant developments in the locality.

The consent authority should refuse the Clause 4.6 variation and require the proposal to be redesigned to comply with the applicable height controls.

5. Unacceptable Heritage Impacts

The properties immediately adjacent to the site at 36 and 38 Redan Street are heritage-listed. These listings exist to protect significant elements of Mosman's built history – their architectural character, their scale, their contribution to the streetscape, and the setting in which they were designed to exist.

A 10-storey structure directly adjoining these heritage items will:

- Overshadow the heritage properties, reducing natural light to their principal elevations and private open spaces;
- Overwhelm their scale and visual setting, permanently diminishing their heritage significance; and
- Alter the character of the Redan Street streetscape in a manner that is wholly inconsistent with the heritage values the listings are intended to protect.

The applicant's heritage impact assessment must be scrutinised carefully. In my submission, no reasonable assessment could conclude that a 10-storey building immediately adjacent to heritage-listed properties constitutes an acceptable heritage outcome. The proposal as designed causes harm that cannot be mitigated through conditions of consent.

I strongly urge the Department to obtain independent heritage advice on the impact of this proposal on 36 and 38 Redan Street before any determination is made.

6. Conflict with Scenic Protection Area Designation

The site is located within a Scenic Protection Area. This designation is not decorative. It exists to preserve the visual character of sensitive locations within Mosman, including view corridors, ridgelines, and the relationship between the built environment and the natural landscape.

A 10-storey residential tower is fundamentally inconsistent with the purpose and objectives of a Scenic Protection Area designation. The height, bulk, and massing of the proposed building will intrude on view corridors, disrupt the visual character of the locality, and cause harm to the scenic values the area is designated to protect.

The applicant has not demonstrated, and cannot credibly demonstrate, that a building of this scale and massing is compatible with the Scenic Protection Area overlay. This is an independent and freestanding ground for refusal.

7. Excavation Risks to Adjoining Properties

The proposal requires excavation of up to 10 metres into sandstone bedrock to accommodate basement car parking and podium structures. This scale of excavation on a constrained urban site, immediately adjacent to existing residential buildings, creates serious and foreseeable risks to the structural integrity of those buildings.

Sandstone excavation of this depth in an established residential neighbourhood presents real dangers including:

- Vibration and ground movement during excavation causing cracking, subsidence, or structural damage to adjoining dwellings;

- Groundwater disturbance affecting foundations of adjacent properties; and
- Irreversible geotechnical impacts on neighbouring landowners who have no practical remedy once damage occurs.

The applicant's geotechnical and structural engineering reports must be independently reviewed. Neighbour notification of excavation risks, bond or security arrangements, and pre-construction dilapidation reporting are minimum standards – but in this case, the more fundamental question is whether a basement of this depth is appropriate at all given the site constraints and adjacency to existing homes.

Approval of a development that creates unacceptable risk of damage to neighbouring residential properties would be contrary to the public interest.

8. Traffic and Safety Risks from Service Vehicle Movements via Redan Lane

Redan Lane is a narrow, no-footpath service lane. Under the proposal, it will be required to accommodate waste collection vehicles, delivery vehicles, and ongoing servicing movements for a 53-apartment building with 106 car spaces.

This creates serious and ongoing safety risks for pedestrians – including children, elderly residents, and people with mobility limitations – who have no footpath to use and must share the laneway with large service vehicles. This is not a theoretical concern. It is a foreseeable consequence of the proposal that will materialise from the first day of occupation.

The traffic impact assessment should be independently reviewed to confirm:

- Whether Redan Lane has sufficient width to accommodate waste collection vehicles safely;
- Whether turning movements can be completed without reversing manoeuvres in the laneway; and
- What pedestrian safety measures, if any, are proposed.

In the absence of adequate pedestrian infrastructure and demonstrated traffic safety, this proposal should not be approved.

9. Contradictory and Inadequate Technical Reporting

A consistent pattern across the applicant's technical documents is the acknowledgment of significant impacts followed by unexplained or inadequately justified minimisation of those impacts. This pattern raises serious concerns about the integrity and independence of the reporting.

Where a technical report acknowledges, for example, heritage impact, shadow impact, or traffic impact, and then proceeds to characterise those impacts as “acceptable” or “minor” without rigorous analysis, the Department should not accept those characterisations at face value. The cumulative effect of multiple acknowledged impacts – none of which is independently addressed with adequate mitigation – is significant.

I submit that the Department should commission independent technical reviews in the following disciplines before any determination:

- Heritage impact assessment (independent of the applicant);
- Geotechnical and structural engineering (specifically addressing excavation risks to adjoining properties);

- Traffic and pedestrian safety (specifically addressing Redan Lane capacity and safety); and
- Scenic and visual impact assessment.

10. Segregated Affordable Housing Access – “Poor Door” Concerns

The proposal includes 11 affordable housing units with separate access from Redan Lane, while market-rate units enjoy principal street frontage and dedicated lobby access from Redan Street.

This arrangement replicates the internationally discredited “poor door” model, in which affordable and market-rate residents are physically segregated within the same building. This design approach:

- Is contrary to principles of inclusive and equitable housing design;
- Stigmatises affordable housing residents by directing them to a secondary, service lane entrance;
- Creates a two-tiered residential community within a single building; and
- Is inconsistent with the NSW Government’s own stated objectives for inclusive affordable housing delivery.

If affordable housing is to be delivered on this site, it must be integrated with market-rate housing in a way that does not distinguish between residents on the basis of tenancy type. The current design does not meet that standard.

11. Conclusion and Requested Outcome

This proposal is too large, too tall, non-compliant with applicable planning controls, damaging to heritage, incompatible with the Scenic Protection Area, structurally risky to adjoining properties, unsafe for pedestrians, and internally inconsistent in its technical reporting. No amount of conditioning can cure these fundamental deficiencies.

I respectfully request that the consent authority:

- Refuse the application SSD-93020230 in its entirety; and
- Decline the Clause 4.6 variation sought by the applicant.

In the alternative, if the Department is minded to proceed with assessment rather than refusal, I request:

- That independent technical reviews be commissioned across heritage, geotechnical, traffic, and visual impact disciplines;
- That a public hearing be held to allow affected residents to present their concerns; and
- That the applicant be required to redesign the proposal to comply with applicable height controls, eliminate the “poor door” access arrangement, and address the structural risks associated with deep sandstone excavation.

I confirm that this objection is made in good faith and that I have a direct interest in the planning outcome for this application. I request that this submission be formally recorded and that I be notified of the determination.

Kind regards,
Emma Fisher

Submitted electronically via the NSW Planning Portal
Emma Fisher | Mosman | emmamartinfisher@gmail.com

Objection submitted: 20 March 2026

Application: SSD-93020230 – 40–48 Redan Street, Mosman NSW

Submission deadline: 30 March 2026