

FORMAL PLANNING OBJECTION

State Significant Development Application

Reference: **SSD-93020230**

Proposed Development: 40–48 Redan Street, Mosman NSW 2088

Submitted to: NSW Department of Planning, Housing and Infrastructure

Submission Date: March 2026

1. Introduction and Summary of Objection

I write to formally object to State Significant Development Application SSD-93020230, which proposes the demolition of five Federation-era homes at 40–48 Redan Street, Mosman, and their replacement with twin residential towers rising to 12 storeys (approximately 35 metres above street level) and containing 53 apartments.

This submission is made in my capacity as a resident of Mosman and a member of the community directly affected by this proposal. I request that the NSW Department of Planning, Housing and Infrastructure refuse this application in its current form for the substantive planning reasons set out in this submission.

The proposal is extraordinary in its scale, its planning complexity, and its potential consequences - not only for Redan Street and its immediate neighbours, but for the character, heritage, and planning future of the Mosman local government area more broadly. A 12-storey tower in a street where the current permitted height is 8.5 metres is not a gentle exercise of housing policy. It is a fundamental rupture in the planning framework that governs this suburb. The Department is asked to assess it accordingly.

This objection is structured to address each material planning concern in turn. I ask that the Department engage substantively with every ground raised, and that it does not accept the applicant's assertion that concerns have been "considered and responded to in the technical reports" as a substitute for genuine engagement.

I request that the Department: (a) refuse this application; or alternatively, (b) if the Department is minded to approve any form of development on this site, require a substantially redesigned scheme that genuinely complies with the existing planning framework, eliminates the need for stacked concessions, respects the heritage streetscape, operates within the scenic protection controls, and delivers a genuine and permanent affordable housing outcome. The current application satisfies none of these requirements.

2. The Proposal and Its Planning Context

2.1 What Is Being Proposed

The application proposes the amalgamation of five residential lots at 40, 42, 44, 46 and 48 Redan Street, Mosman, to create a consolidated development site of approximately 3,233 square metres. All five existing dwellings - including four Federation-era homes, one of which (44 Redan Street) is identified as a Federation Queen Anne style property dating to approximately 1900 - would be demolished.

In their place, the applicant proposes twin residential apartment buildings rising to 12 storeys above basement level, and reaching approximately 35 metres above street level. The development would contain 53 apartments in total: 42 described as market-rate luxury apartments ranging from 129 to 321 square metres, and 11 described as “affordable” apartments available at reduced rent for a minimum period of 15 years. The two top-floor penthouse units are expected to sell for upwards of \$20 million each, with uninterrupted views to Balmoral Beach and the harbour.

Two levels of basement car parking are proposed, providing 106 car spaces accessed via a single driveway on Redan Street. The basement excavation would be the deepest and most extensive ever undertaken on Redan Street, requiring two full levels of sandstone excavation across the full site footprint.

2.2 The Planning Pathway Being Used

The applicant has lodged this application via the State Significant Development (SSD) pathway, which removes it entirely from the jurisdiction of Mosman Council. There is no local planning panel assessment, no council determination, and no local elected representative with a formal role in the outcome. The decision rests solely with the NSW Department of Planning, Housing and Infrastructure.

The use of the SSD pathway is itself significant. It is a mechanism designed to facilitate housing supply at scale and speed. It was not designed to enable a developer to accumulate five separate planning concessions simultaneously, misrepresent the topography of a site, circumvent heritage and scenic protection controls, and deliver 11 temporarily affordable apartments as justification for a permanent 12-storey building on a two-storey residential street.

The community is not opposed to housing growth in Mosman. The question this objection raises is whether this scale of development, in this location, achieved through this process, is consistent with the planning framework that governs it - and whether the extraordinary concessions being sought are proportionate to the public benefit being offered. The answer to both questions is no.

3. The Stacking of Five Planning Concessions

3.1 No Single Policy Intended This Outcome

The most fundamental planning objection to this proposal is the manner in which it has been constructed. To reach 12 storeys on a site where 8.5 metres is the permitted height, the applicant layers the following mechanisms simultaneously:

- The Low and Mid-Rise Housing Policy (LMRHP), which is intended to facilitate 'missing middle' housing of 2 to 6 storeys in appropriate locations
- A 30% height uplift available under the Infill Affordable Housing provisions, conditioned on 15% of apartments being affordable for a minimum of 15 years
- A Clause 4.6 building height variation, to exceed even the uplifted height limit
- A Clause 4.6 wall height variation, as a separate instrument applied in addition to the building height variation
- The SSD pathway itself, which bypasses local council determination entirely

The result of stacking all five mechanisms is a building that is four times the height currently permitted under Mosman's planning controls, and materially taller than anything available even under the most generous State policy uplift. This is not the application of housing policy. It is the sequential exploitation of every available concession to reach a building scale that no individual policy ever contemplated or authorised.

3.2 The Clause 4.6 Test Has Not Been Met

The fact that a Clause 4.6 height variation is required even after the applicant has invoked the LMRHP and the full 30% infill affordable housing uplift is the single clearest demonstration that this proposal exceeds the planning framework at its most generous. The Clause 4.6 variation is not a small top-up. It is evidence that the applicant has exhausted every policy avenue and is asking the Department to go further still, on discretionary grounds.

The Land and Environment Court has established clear requirements for Clause 4.6 variations. In *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118, the Court confirmed that Clause 4.6 requires strong site-specific environmental planning grounds, not merely general public benefit arguments. The same principle was affirmed in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90.

The applicant's Clause 4.6 justification rests substantially on the affordable housing benefit and on generalised arguments about housing supply. Neither satisfies the Court's requirement for strong, site-specific environmental planning justification. There is nothing unique about this site that makes it incapable of being developed at a compliant height. The existing topography, the heritage context, and the scenic protection designation all weigh strongly in favour of a lower-scale outcome - not a taller one.

3.3 The Low and Mid-Rise Housing Policy Is Being Misapplied

The NSW Government's Low and Mid-Rise Housing Policy is described in the Department's own materials as facilitating 'missing middle' housing of 2 to 6 storeys. Mid-rise, in the standard planning lexicon, refers to buildings of approximately 5 to 8 storeys. A 12-storey building is not low-rise housing. It is not mid-rise housing. It is a high-rise residential tower.

Using the LMRHP as the foundational policy instrument for a 12-storey application is a misuse of the policy's intent. The policy was designed to fill the gap between detached housing and high-rise apartments. This application uses it as the first rung of a ladder to reach high-rise heights that no-one applying the policy in good faith would have contemplated.

If the Department accepts this application of the LMRHP, it will have established a precedent in which the policy can be used, in combination with other mechanisms, to authorise buildings of any height in any residential neighbourhood. That is not a sound planning outcome. It is a fundamental distortion of the policy framework.

4. The Affordable Housing Justification Is Inadequate and Unverifiable

4.1 The Public Benefit Is Disproportionate to the Uplift Sought

The entire planning justification for this proposal's height rests on the affordable housing pathway. That pathway permits a 30% height uplift in exchange for 15% of apartments being affordable for a minimum of 15 years. For this 53-apartment development, 15% is 11 apartments.

Established planning principles require proportionality between the public benefit offered and the development uplift granted. Eleven apartments that are affordable for a defined 15-year period is not a proportionate justification for a permanent 12-storey building on a 2-storey heritage street. The building will stand for 100 years or more. The affordable housing obligation expires after 15. The trade being made here is deeply asymmetric, and it should not be accepted.

After 15 years, the developer is free to convert, sell, or relet those 11 apartments at market rates. At that point, the community has received no lasting benefit from the uplift it granted. The building remains. The scale remains. The heritage it displaced is gone forever. The affordable housing is not.

4.2 No Modelling Confirms Genuine Affordability

The applicant's own Social Impact Assessment, at Appendix EE of the Environmental Impact Statement, contains a striking admission: 99.4% of very-low-income renters in the Mosman local government area are already in rental stress, and there are just 31 affordable rental dwellings across the entire LGA.

This data makes the need for genuinely affordable housing in Mosman clear and urgent. What the Social Impact Assessment does not provide - and what the Department should require before accepting the affordable housing justification - is any financial modelling showing what the proposed affordable units will actually rent for, what income level qualifies, and whether households currently in genuine housing stress in Mosman could realistically afford them.

Without that modelling, the affordable housing justification is unverifiable. The Department cannot properly assess whether the 30% height uplift is being traded for genuine housing benefit, or for a nominal compliance exercise in which the "affordable" apartments are priced above the reach of the people they are supposed to serve. This is a fundamental gap in the application. It should not be waived.

4.3 The 'Poor Door' Arrangement Undermines the Genuine Housing Claim

Eight of the eleven affordable apartments are accessed via Redan Lane - the rear service laneway - rather than the main building entrance. This arrangement - commonly referred to as a 'poor door' - creates a two-tier building in which affordable residents are physically segregated from market residents by their point of entry.

New York City explicitly prohibited poor door arrangements in 2015, on the basis that they entrench social division, stigmatise lower-income residents within their own building, and undermine the principles of integrated housing. The prohibition was enacted precisely because developments were using affordable housing as a planning lever while designing the affordable component in a way that made its second-class status architecturally manifest.

Redan Lane is an unpaved service laneway. It has no footpath, no adequate lighting for pedestrian use, and no infrastructure appropriate for daily residential access by apartment dwellers. Routing eight of eleven "affordable" apartments through this laneway as their primary entrance is not a minor design issue. It demonstrates that the affordable housing in this proposal is a compliance mechanism, not a design principle. The Department should not accept it as genuine justification for the height uplift being sought.

5. Heritage Streetscape and Scenic Protection Area Incompatibility

5.1 The Heritage Context Is Exceptional

Redan Street is a designated Heritage Road. The street verge itself is heritage-listed. The proposed development site is directly adjacent to heritage-listed properties at 36 and 38 Redan Street, which will remain as immediately neighbouring buildings once the application sites are demolished. The development is therefore effectively bookended by heritage items on both sides, set behind a heritage-protected road reserve.

The Federation-era homes proposed for demolition include properties dating to approximately 1900 and 1902. These are not simply old houses. They are material components of a heritage streetscape that has been formally identified as worth protecting. Mosman has one of the highest concentrations of heritage-listed properties of any LGA in NSW. The cumulative fabric of that heritage - its streets, its verges, its Federation homes - is precisely what gives the suburb its character and its value, both cultural and economic.

Once these homes are demolished, they cannot be rebuilt. Once a 12-storey tower stands between heritage-listed properties at 36–38 Redan Street and the rest of the street, the setting of those heritage items - which is itself a protected value under the heritage provisions of the Environmental Planning and Assessment Act and Mosman's Local Environmental Plan - is permanently and irreversibly damaged.

5.2 The Scenic Protection Area Designation Carries Legal Weight

The site falls within a Scenic Protection Area under Mosman Local Environmental Plan 2012. This is not a planning preference. It is a legally operative designation that requires development within the area to not compromise the scenic values it was established to protect.

The designation reflects Mosman's position on the harbour foreshore and its visual relationship to Balmoral Beach, Middle Harbour, and the surrounding waterway.

Twin residential towers rising 35 metres above street level on the Balmoral slopes will be visible from Balmoral Beach, from the harbour foreshore, from the water itself, and from the surrounding streets and properties. The visual intrusion of this building into what is currently a low-scale, fine-grained residential landscape on the slopes above one of Sydney's most significant harbour beaches is not incidental. It is the dominant visual effect of the proposal.

The applicant's own Visual Impact Assessment acknowledges that the building will have impacts on neighbouring properties ranging from "severe to devastating," yet concludes that these impacts are acceptable. This internal contradiction - acknowledging devastating impact while concluding acceptability - cannot stand as a sound planning justification. The Department should reject it.

The development, as proposed, would be inconsistent with the Scenic Protection Area provisions of the Mosman LEP if it materially damages the scenic values of the area. The Visual Impact Assessment confirms that it does. The application should be refused on this ground.

6. Misrepresentation of Site Topography

6.1 The Site Is Not on the Ridgeline

The Environmental Impact Statement characterises the site as being on the "ridgeline" of the Balmoral slopes. This characterisation is used throughout the EIS to minimise the stated visual impact of the development - the argument being that a building on a ridgeline sits against the sky rather than projecting above a hillside when viewed from below.

This characterisation is demonstrably false. The architectural drawings in the application - Appendix B of the EIS - show clearly that land falls to the east of the development site. The site is in a mid-slope condition, not on a ridgeline. This is not a matter of interpretation. It is a fact that can be verified by examining the plans the applicant has lodged.

The difference between a ridgeline and a mid-slope position is not a minor planning technicality. It has direct and material consequences for two of the most significant impacts of this development:

- Visual impact: A mid-slope building projects visibly above its surroundings when viewed from below - from Balmoral Beach, from the harbour, and from the foreshore. A ridgeline building recedes against the sky. The mischaracterisation of the site systematically understates the visual prominence of the building in every view from the east.
- Privacy impact: A mid-slope building has direct downward sightlines into the private open space, living areas, and bedrooms of properties below it. A ridgeline building has more neutral, lateral views. The mischaracterisation systematically understates the overlooking impact on neighbouring lower properties.

Because the topography misrepresentation underlies both the Visual Impact Assessment and the shadow and privacy analysis in the EIS, it contaminates the reliability of those assessments. The Department should require the applicant to resubmit both assessments based on an accurate representation of the site's topographic position before any further assessment of the application proceeds.

7. Severe and Cumulative Privacy and Overlooking Impacts

The proposed building presents multiple levels of balconies and habitable rooms facing east, occupying almost the full width of the site. From the mid-slope position described above, every occupied floor above the first or second storey has direct downward sightlines into the private open space, living areas, and bedrooms of properties to the east and northeast.

This is not a single overlooking issue from one or two balconies. It is a systematic, cumulative overlooking condition that repeats at every floor level from the lower floors to the top of the building. Each successive floor looks further and more directly into a greater number of properties. The aggregate effect is the comprehensive loss of privacy for multiple neighbouring households simultaneously.

The EIS relies on generic separation distances as its primary response to overlooking concerns. This approach is inadequate for several reasons:

- Separation distance standards are calibrated for level or gently sloping sites. On a mid-slope site, vertical separation - the height differential between the balcony and the space being overlooked - produces a downward angle of view that substantially worsens overlooking impact at any given horizontal distance.
- The cumulative effect of repeated overlooking from multiple floors simultaneously is not addressed. Each floor's overlooking is assessed individually, rather than as a compounding condition.
- Property-specific impacts are not modelled. The assessment uses generalised distances rather than examining the relationship between specific floors and specific neighbouring properties' private spaces.

Privacy from overlooking is one of the most fundamental amenity values that planning law protects in residential environments. The loss of privacy that this building would impose on its neighbours is not a minor side-effect. It is a profound and permanent degradation of the residential amenity of multiple households. The EIS has not adequately assessed it, and the Department should require a comprehensive property-by-property privacy assessment before proceeding.

8. Parking Undersupply, Traffic Impact, and Construction Risk

8.1 Parking Provision Is Inadequate

The proposal provides 106 car parking spaces for 53 apartments, including 42 luxury three and four-bedroom apartments. For a development of this type, in this location, serving a demographic that will include households with multiple vehicles, 106 spaces is not adequate. The ratio of approximately 2 spaces per apartment sounds reasonable in the abstract, but it does not reflect the car ownership patterns of large luxury apartments in a suburb without heavy rail access.

Redan Street has no capacity to absorb parking overflow. It is a quiet residential street with limited on-street parking and no alternative routes for traffic management. When parking demand exceeds supply - as it will, structurally and permanently - the overflow will fall on Redan Street and the surrounding local road network.

8.2 Construction Will Effectively Close the Street

The most recent development on Redan Street was a modest project of just six units. That construction consumed all available on-street parking from 7am to 5pm, six days a week, for the full 18-month construction period. Residents were unable to use their own street for parking throughout that period. That was for six units.

This proposal is for 53 units, incorporating two full levels of basement excavation across a 3,233 square metre footprint. The construction period for this development will be measured in years, not months. During that period, Redan Street will be effectively closed to resident parking. Construction vehicles, excavation equipment, and material deliveries will repeatedly block the road itself. There is no alternative route for affected residents. The construction impact alone is severe and should receive full, frank assessment in the EIS. It has not.

8.3 A Single Driveway Is Inadequate for 106 Car Spaces

All 106 basement car spaces are accessed via a single driveway on Redan Street. This concentrates all vehicle ingress and egress for a 53-apartment building at a single point on a narrow residential road. The queuing, blocking, and conflict that this arrangement will generate during peak periods - morning and evening for residents, plus deliveries and visitors throughout the day - has not been adequately addressed in the traffic analysis.

9. Excavation Depth, Structural Risk, and Heritage Damage to Neighbours

Two full levels of basement excavation across a consolidated site of 3,233 square metres requires the deepest and most extensive sandstone excavation Redan Street has ever seen. The combination of site area, excavation depth, and proximity to neighbouring properties - including heritage-listed dwellings at 36 and 38 Redan Street immediately adjacent - creates a material risk of structural damage that the EIS has not adequately assessed or mitigated.

This concern is not hypothetical. Previous construction works on Redan Street have caused documented structural damage to neighbouring properties. This is part of the lived history of the street. Residents who have experienced that damage first-hand have a legitimate and evidenced basis for concern about what two full levels of deep sandstone excavation on a 3,233 square metre footprint will do to their homes.

The EIS does not provide binding commitments on pre-construction dilapidation surveys for all potentially affected neighbouring properties, ongoing vibration monitoring during excavation, specific maximum vibration limits appropriate for heritage sandstone construction, or a clear liability framework for damage caused during construction. These are not optional extras. They are basic requirements for a responsible and properly assessed development application of this scale.

The Department should require the applicant to provide, as a condition of any approval:

- Pre-construction dilapidation surveys of all properties within a defined radius, conducted by an independent structural engineer
- Binding vibration monitoring protocols with specified limits appropriate for adjacent heritage construction
- A clear and enforceable liability framework for any structural damage caused during excavation or construction
- Post-construction dilapidation surveys and a defined process for addressing any damage identified

10. The Community Consultation Process Was Deficient

10.1 Residents Were Not Reached

The developer's own Engagement Summary at Appendix E of the EIS states that 1,676 postcards were sent to "immediate neighbours to 20–48 Redan Street." The described category of immediate neighbours encompasses perhaps 50 to 100 households at most. The figure of 1,676 postcards sent to immediate neighbours is not credible and has not been explained.

More significantly: residents on Redan Street - the immediate neighbours described in Appendix E as having been consulted - report that they received no postcard, no survey, and no invitation to any community meeting or focus group. The first formal notification that most Redan Street residents received came from the NSW Department of Planning, not from the developer. This is the opposite of the picture painted by Appendix E.

Where postcards did arrive in nearby streets, residents report receiving them in the evening with an invitation to a community meeting the following morning - less than 12 hours notice. That is not meaningful consultation. It is a scheduling arrangement designed to minimise participation.

10.2 The Outcomes Cannot Be Relied Upon

The result of the developer's community engagement process, by their own account, was 43 survey responses and 6 people across two focus group sessions. For a development that will permanently alter one of Mosman's most characterful streets, displace five Federation homes, and stand 35 metres above a heritage road for 100 years, 43 survey responses does not constitute representative evidence of community awareness or views. It is evidence of a consultation process that failed in its fundamental purpose.

These outcomes cannot be presented to the Department as evidence of community support, or even community awareness. They cannot be used to offset or diminish the volume of formal objections that the community is now lodging through the submission portal. The developer chose a process that reached almost no-one. The community's response through the formal channel is the authentic measure of community sentiment, and the Department should treat it as such.

10.3 Mosman Council's Concerns Were Dismissed

Mosman Council met with the developer on 29 January 2026 and raised detailed, specific concerns covering scale and height, heritage impacts, traffic and parking, landscaping, sandstone character, and stormwater management. These are substantive planning concerns raised by a council with deep expertise in its own local environment and planning context.

The developer's documented response to every single concern raised by Council is a single, identical line: "The project team have considered and responded to each of the Council's queries throughout each of their technical reports." Not one specific answer. Not one commitment. Not one acknowledgement of any particular concern raised.

This response is not acceptable. It is not a response at all. It is a form of words designed to appear as engagement while providing none. The Department should treat the Council's concerns, and the developer's failure to genuinely engage with them, as a material consideration in its assessment.

11. Precedent Risk and the Broader Threat to Mosman

11.1 This Application Is Not Isolated

The developer behind this application has, separately from lodging SSD-93020230, presented a broader redevelopment vision for the Balmoral slopes and surrounding parts of Mosman. That vision shows developments of this scale not as a single exception but as a repeating pattern across substantial areas of the suburb. Redan Street, in this context, is the first application in a larger programme.

This context is material to the Department's assessment. When evaluating a single application, the Department ordinarily considers only its individual impacts. But where an applicant has publicly articulated a broader redevelopment vision, where multiple sites in the same suburb have been amalgamated and marketed to developers in recent months - including on Brierley Street, Rangers Avenue, Bond Street, Cowles Road, and Moruben Road - the cumulative planning implications of approving the first application in that sequence are real and foreseeable. They must be considered.

11.2 Each Approval Shifts the Baseline

Planning decisions compound. If this application is approved, it becomes the reference point for every future application in Mosman that invokes a similar combination of mechanisms. Future applicants will point to SSD-93020230 as precedent. Planning assessors will cite it.

Each approval makes the next one easier to justify, because the baseline of what is considered acceptable has moved.

The effect of this compounding dynamic is not gradual evolution. It is accelerating transformation. Mosman's village scale, its sandstone streetscapes, its Federation homes, its foreshore views, and its relationship to Balmoral Beach are not abstract values. They are the physical fabric of a community that has been shaped over more than a century. They cannot be recreated once they are gone.

11.3 The SSD Pathway Is Being Used Beyond Its Intended Scope

The NSW Government's SSD pathway was designed to accelerate housing supply at scale. It is an important and legitimate mechanism for achieving housing outcomes that local councils might otherwise obstruct through parochialism or delay. That is a genuine public interest purpose.

But the pathway was not designed to allow developers to stack five separate planning concessions, misrepresent the topography of a mid-slope site, permanently destroy a heritage streetscape within a Scenic Protection Area, and offer 11 temporarily affordable apartments as the public benefit justification for a 100-year building. The generous uplifts available under State policy are exactly that: generous. They are offered in exchange for genuine public benefit. This proposal takes them and then demands more.

When a pathway designed to serve the public interest is used in a manner that exploits every available mechanism simultaneously and then asks for discretionary latitude on top, the appropriate response is refusal. Not as a statement about housing policy, and not as an objection to reasonable density, but as an insistence that the planning framework be applied as intended - and that developers who seek extraordinary concessions be required to demonstrate extraordinary justification.

This application does not meet that standard. It should be refused.

12. Comparison to Other Development in Mosman and Context for Scale

To understand the significance of what is being proposed, it is useful to consider this application against the context of development that Mosman has historically accommodated and against the planning framework that governs it.

Mosman's Local Environmental Plan 2012 establishes a maximum building height of 8.5 metres across the vast majority of its residential land. This reflects the community's and the planning system's considered view that Mosman's residential character - its fine-grained Federation and early twentieth-century streetscapes, its hillside topography, its harbour foreshore setting - is best preserved by a low-scale built form.

The few multi-storey residential buildings that exist in Mosman are concentrated in specific locations that have been explicitly planned for higher density: the Military Road corridor, areas immediately adjacent to Mosman village, and the upper slopes away from heritage-sensitive

foreshore settings. These buildings generally sit within or close to planned height limits. They are the product of deliberate planning decisions, not the accumulation of stacked concessions.

This proposal is not in a planned higher-density location. It is in a mid-slope residential street with a direct relationship to Balmoral Beach, heritage-listed properties on both sides, and a Scenic Protection Area designation. It is precisely the type of location that Mosman's planning controls were designed to protect from large-scale development.

The most closely analogous recent development challenge in Mosman - the various proposals for increased density along Military Road and in Mosman village - has consistently produced community, council, and planning authority concern about scale and character. Those proposals involved buildings of 4 to 8 storeys in the most appropriate high-density locations in the LGA. They were contested. Some were refused or modified. The precedent from those assessments should weigh heavily here, where the proposal is for 12 storeys in a location that is manifestly less appropriate for large-scale development than anything the Military Road corridor has seen.

The community is not asking for stasis. It accepts that some increased density is appropriate in some parts of Mosman. What it objects to is this scale, in this location, achieved through this process. A well-designed development that respected the 8.5 metre height limit, or even a modest uplift to 3 or 4 storeys consistent with the genuine purpose of the Low and Mid-Rise Housing Policy, would not attract the opposition this proposal has generated. The community's objection is proportionate to the scale of what is being proposed.

13. The Storey Count Discrepancy and the Podium Amplification Effect

The Department's own official exhibition notice for this application describes the proposal as "construction of a 10-storey residential flat building." The community objection, and the developer's own architectural drawings at Appendix B of the EIS, count 12 storeys when the two basement levels are included.

This discrepancy is not merely semantic. It has direct and material consequences for how the building's impacts are assessed. The Department must assess this proposal on the basis of its actual height above the natural and existing ground plane - approximately 35 metres above street level - and not on a storey count that excludes the below-ground levels and their contribution to the building's overall visual mass and elevation above the street.

The two basement levels require the removal of the natural sandstone ground plane across the full 3,233 square metre site footprint. The resulting building does not sit on natural ground. It sits on an artificially elevated platform created by deep excavation into the hillside. This is what planning practitioners call the podium amplification effect: the excavation raises the effective base datum of the building above the surrounding natural and street-level ground, so that the above-ground storeys begin from a higher point than would otherwise apply. The EIS does not adequately address podium amplification as a distinct visual impact mechanism. It is a material omission that causes the building's true visual prominence to be systematically understated throughout the assessment.

If the Department proceeds to assess this application using a '10-storey' framing, it risks compounding this understatement. The assessment must be anchored to the 35-metre height above street level - the metric that determines real-world visual, privacy, heritage, and Scenic Protection Area impacts - regardless of how the floors are counted for the purposes of the exhibition notice.

14. Bulk, Visual Impact, and the EIS Internal Contradiction

The proposed building extends across almost the full width of the site with minimal meaningful articulation. Despite design language in the EIS describing the buildings as "twin towers," the reality of a building that occupies the full 3,233 square metre footprint across two joined structures is of a continuous built wall along the Redan Street frontage.

As set out in Section 13 above, the building sits on an excavated and elevated platform rather than on the natural ground plane. The combination of above-ground height and podium amplification produces an effective street-level height of approximately 35 metres. This is not simply a tall building. It is a tall building elevated above an artificially raised base on a mid-slope site - a compounding of scale that the EIS does not adequately address as a distinct visual impact mechanism.

The EIS's Visual Impact Assessment acknowledges the building's scale. It states that impacts on neighbouring properties range from "severe to devastating." It then concludes that these impacts are acceptable. This is one of the most remarkable conclusions in any planning document submitted in support of a development application in recent NSW planning history. The Department is asked to accept that an impact acknowledged to be devastating to neighbouring residents is nonetheless an acceptable outcome.

It is not acceptable. The fact that the applicant's own consultants have assessed the impact as severe to devastating on the properties most directly affected is, standing alone, a compelling basis for refusal. No amount of general public benefit argument, housing supply advocacy, or sustainable development framing can make a building whose impacts on individual residents are acknowledged to be devastating an appropriate planning outcome.

15. Shadow and Solar Access Impacts

A 12-storey building at 35 metres above street level on a mid-slope site generates substantial shadowing to properties to the north, east, and south, depending on orientation and time of day. The EIS shadow diagrams show significant shadow extension across neighbouring properties and public spaces during winter months in particular.

The loss of solar access to private open space and living areas of neighbouring properties is a direct amenity impact that planning controls are designed to prevent. Mosman's LEP and the State Environmental Planning Policy (Biodiversity and Conservation) and associated planning instruments establish minimum solar access requirements for residential development. The Department should assess the extent to which neighbouring properties fall below minimum solar access standards as a result of this proposal, and whether the

applicant's shadow diagrams - which, like the rest of the EIS, rely on the incorrect ridgeline characterisation of the site - accurately represent the real shadowing impact.

16. Stormwater, Infrastructure Capacity, and Groundwater

The replacement of five houses and their permeable gardens with a large consolidated apartment building on two levels of basement across a 3,233 square metre footprint will substantially alter the hydrology of this part of the Balmoral slopes. Surface water that currently infiltrates through permeable garden soils will be redirected to stormwater infrastructure. The volume and velocity of runoff entering the stormwater network will increase materially.

Mosman Council raised stormwater management as a specific concern when it met the developer in January 2026. The developer's response, consistent with all other concerns raised by Council, was a boilerplate statement that the matter had been addressed in technical reports. Council's concern has not been substantively resolved.

The capacity of the existing stormwater infrastructure serving Redan Street to accept additional discharge from a development of this scale has not been adequately demonstrated. Nor has the potential impact on groundwater tables from deep sandstone excavation been assessed - a matter of relevance both to neighbouring properties and to the broader hydrogeology of the hillside.

17. Redan Lane Is Unsuitable as Primary Residential Access

The 'poor door' concern addressed in Section 4.3 of this submission is part of a broader and independent amenity problem that warrants separate consideration: Redan Lane is physically unsuitable as the primary residential access route for any apartment in this building, regardless of its tenure type.

Redan Lane is an unpaved rear service laneway. It has no formed footpath. It has no lighting adequate for safe pedestrian use at night. It has no infrastructure appropriate for daily residential access by occupants of a multi-storey apartment building. It is a service lane, used by vehicles for rear-of-lot access, waste collection, and utility services. It was not designed, constructed, or maintained for use as the front door to a residential building.

The proposal as designed routes eight of the eleven affordable apartments - and potentially service access for the remainder of the building - through this laneway as their primary means of entry and exit. Occupants of these apartments will use Redan Lane on foot, in all weather, at all hours, as the path between their home and the street. This creates genuine and foreseeable safety and amenity concerns:

- An unpaved surface presents trip hazards, particularly in wet weather and for elderly residents or those with mobility limitations
- The absence of adequate lighting creates personal safety risks during evening and early morning hours

- The lane's use as a service and vehicle access route creates conflict between pedestrian residents and vehicles
- There is no infrastructure for mail delivery, parcel collection, or visitor access that meets a basic residential standard

These are not abstract planning technicalities. They are practical, day-to-day safety and amenity issues for the people who would live in these apartments. The Department should require the applicant to demonstrate - with specificity, not generality - how Redan Lane will be upgraded to a standard suitable for primary residential pedestrian access, or how the building design will be reconfigured to provide compliant main-entrance access for all residents through the primary building entry on Redan Street.

The failure to address this point in the EIS is consistent with the broader pattern of the affordable housing component being designed for compliance rather than genuine habitability. A building that cannot provide its affordable residents with a safe, lit, paved path to their front door is not delivering a genuine housing outcome. It is delivering a liability.

18. Conclusion and Requested Determination

18.1 Summary of Grounds

This submission has set out the following substantive planning grounds for refusal of this application:

- The stacking of five planning concessions simultaneously - LMRHP, 30% affordable housing uplift, two separate Clause 4.6 variations, and the SSD pathway - produces an outcome that no single policy intended or authorised, and that exceeds the planning framework at its most generous
- The Clause 4.6 variation test, as established by the Land and Environment Court, has not been met: there are no strong site-specific environmental planning grounds, only general public benefit arguments
- The Low and Mid-Rise Housing Policy is being misapplied: a 12-storey tower is not low or mid-rise development in any accepted planning sense
- The affordable housing justification is disproportionate: 11 temporarily affordable apartments lasting 15 years is not proportionate justification for a permanent 12-storey building on a heritage street
- No financial modelling confirms that the affordable units are genuinely accessible to households in housing stress
- The 'poor door' arrangement for affordable residents undermines the genuine housing intent of the affordable housing component
- The development is incompatible with the Scenic Protection Area designation and the heritage controls applicable to Redan Street and its adjacent listed properties

- The EIS misrepresents the topographic position of the site as a ridgeline when it is a mid-slope condition, materially understating both the visual impact and the privacy impact throughout the assessment
- The Visual Impact Assessment acknowledges severe to devastating impacts on neighbouring properties while concluding these are acceptable: this internal contradiction cannot stand as a planning justification
- Cumulative overlooking impacts from multiple floors on a mid-slope site have not been adequately assessed
- Parking provision is inadequate for the scale and demographics of the development
- Construction will effectively close the street to residents for years
- Deep sandstone excavation creates unacceptable structural risk to adjacent heritage homes, with no binding mitigation commitments
- The community consultation process was deficient: residents on Redan Street were not reached, and the outcomes cannot be relied upon
- Mosman Council's detailed concerns received only a boilerplate dismissal, not genuine engagement
- This application is the first in a developer-articulated programme of large-scale redevelopment across Mosman: the precedent it sets for every subsequent application is a material consideration
- The Department's own exhibition notice describes the proposal as 10 storeys while the architectural drawings show 12 storeys including basements: the assessment must be based on the actual 35-metre height above street level, accounting for the podium amplification effect of deep basement excavation that the EIS does not adequately address
- Redan Lane is physically unsuitable as primary residential access for eight affordable apartments: unpaved, unlit, and without footpath infrastructure, creating foreseeable safety and amenity risks for future occupants that the EIS does not address

18.2 Requested Determination

I respectfully request that the NSW Department of Planning, Housing and Infrastructure refuse this application in its current form.

If the Department is minded to approve any form of development on this consolidated site, I request that it require a fundamentally redesigned proposal that:

- Complies with, or only modestly exceeds, the existing 8.5 metre height control under Mosman LEP 2012
- Does not require the stacking of multiple planning concessions simultaneously
- Genuinely respects the heritage streetscape of Redan Street and the setting of the adjacent listed properties
- Complies with the Scenic Protection Area provisions of the Mosman LEP
- Provides verified, genuinely affordable housing with financial modelling demonstrating accessibility to households in housing stress

- Does not segregate affordable residents through a separate rear entrance
- Provides adequate parking for the actual car ownership profile of residents
- Addresses structural risk from excavation with binding, enforceable mitigation commitments
- Has been the subject of genuine, meaningful community consultation

The current application satisfies none of these requirements. It asks the Department to accept devastating visual impact on neighbouring residents, permanent heritage loss, the misapplication of multiple planning mechanisms, and a 15-year affordable housing fig leaf as justification for a building that will stand for a century. That is not a sound planning outcome. This application should be refused.

Submitted formally in objection to SSD-93020230

40–48 Redan Street, Mosman NSW 2088

NSW Department of Planning, Housing and Infrastructure

Submissions close: 30 March 2026

This submission is made as part of the formal public exhibition process for State Significant Development application SSD-93020230 and is intended to be recorded on the Department's formal record of submissions.