

SUBMISSION IN OBJECTION

SSD-93020230

40-48 Redan Street, Mosman

To: NSW Department of Planning

My name is Ben Pike. I live in Redan Street opposite the proposed development at 40-48 Redan Street. I have lived here for ten years. My home is a Federation house, around 105 years old, built on sandstone, less than ten metres from the boundary of the proposed excavation.

I write to formally object to this application and to ask that it be refused.

I want to be clear from the outset: I am not opposed to housing. I understand the pressure Sydney faces and I accept that Mosman will change over time. What I cannot accept is this development, at this scale, on this street, justified by this process. It does not hold up on the planning merits, and the impact on those of us who live here would be severe and in many cases irreversible.

1. THE LOW AND MID-RISE POLICY CREATES NO ENTITLEMENT TO UPLIFT

The application treats the Low and Mid-Rise Housing Policy as though it establishes an approved development envelope, a baseline from which further height can then be unlocked through the SSD pathway. That is a fundamental misreading of how the policy works.

The Low and Mid-Rise provisions do not pre-approve any volumetric outcome. They identify circumstances in which consent may be granted, subject to full merit assessment. They create a discretionary planning pathway, not an entitlement. The SSD mechanism does not convert that discretion into a guaranteed outcome, and it does not aggregate the various policy uplifts into a cumulative right to build.

The applicant's approach effectively assumes an elevated building envelope and then seeks to justify it after the fact. That reverses the proper statutory task. The question for the Department is simply whether this development, at this scale, is appropriate for this site. It is not.

2. THE APPLICATION IS NOT COMPLIANT

The application characterises the proposal as "compliant." This is not accurate.

A development that requires not one but two separate Clause 4.6 variations to exceed the applicable height standard, even after invoking every available State policy incentive, is not compliant. It is a non-compliant development seeking to justify an exception. The need to rely on Clause 4.6 variations even at the most generous possible reading of the policy framework is the clearest possible indicator that this proposal exceeds what was intended.

The Department should not accept the "compliant" characterisation. It misrepresents the fundamental nature of what is being asked.

3. THE AFFORDABLE HOUSING JUSTIFICATION IS DISPROPORTIONATE AND TEMPORARY

The developer is using the Infill Affordable Housing pathway to unlock two additional floors across a site spanning the frontage of five houses. That is an enormous and permanent addition to the built form of this street.

The affordable housing lasts fifteen years. After that the developer may convert or sell those apartments at market rates. Eleven of fifty-three apartments, accessible for fifteen years, accessed via an unpaved rear lane. That is the public benefit being offered in exchange for a permanent twelve-storey building on a two-storey street.

The uplift should be proportionate to the benefit. It is not. A time-limited commitment of this modest scale does not justify a permanent change to the streetscape that will outlast it by generations. The established planning principle of proportionality between benefit and uplift is not satisfied here.

4. NO FINANCIAL MODELLING SHOWS THE AFFORDABLE HOUSING IS GENUINELY AFFORDABLE

The entire planning justification for exceeding the height controls rests on the Infill Affordable Housing pathway. Yet the application contains no financial modelling demonstrating that the rents charged under that pathway will be genuinely accessible to people actually in housing stress in this area.

The developer's own Social Impact Assessment confirms that 99.4 percent of very-low-income renters in Mosman are already in rental stress and that there are just 31 affordable rental dwellings in the entire LGA. But it does not model what the proposed affordable units will rent for, what income bracket qualifies, or whether any household currently in genuine need could realistically afford them.

Without that modelling the affordable housing justification is unverifiable. A planning uplift of this magnitude cannot properly rest on an unverified premise. The Department should not accept it at face value.

5. THE SCENIC PROTECTION AREA CARRIES LEGAL FORCE

The site falls within a designated Scenic Protection Area. This is not a planning preference or a guideline. It carries legal weight. Development within this area must not compromise the scenic values the designation exists to protect.

Twin towers at twelve storeys on the Balmoral slopes will be visible from Balmoral Beach and from the harbour foreshore in a way that permanently and materially damages the protected view.

The developer's own Visual Impact Assessment describes the impact on neighbouring properties as ranging from "severe to devastating," and then concludes those impacts are acceptable. No compelling site-specific justification is provided for that conclusion. The Department should treat that admission for what it is: a reason for refusal, not a finding to be rationalised away.

6. THE SITE IS NOT ON THE RIDGELINE

The EIS characterises the site as being on the ridgeline of the Balmoral slopes, using this to minimise the stated visual impact of the development. The site is not on the ridgeline. The plans themselves show a mid-slope condition, with land falling toward the east.

This matters in two ways. First, a mid-slope position means the building will project visibly above its surroundings when viewed from Balmoral Beach and the harbour, not sit against the skyline as a ridgeline position would allow. Second, the upper floors will have direct downward sightlines into the gardens, living areas and bedrooms of properties below, including mine. A true ridgeline position would produce far more neutral lateral views.

The mischaracterisation of the topography in the EIS materially understates both the visual impact and the privacy impact of this proposal. It should be rejected as a basis for assessment.

7. A TWELVE-STOREY BUILDING DOES NOT BELONG ON A HERITAGE ROAD

Redan Street is a designated Heritage Road. The street verge is heritage-listed. Heritage-listed properties sit directly adjacent to the proposed development at numbers 36 and 38.

The heritage status of this street exists because its character: the scale, the sandstone, the landscaped verges, the low-rise residential form, is worth protecting. A twelve-storey building, achieved by stacking five separate planning concessions, would permanently destroy that character. Not alter it. Destroy it. The development would overwhelm the setting of the adjacent heritage items and erode the significance of the street as a whole.

The Land and Environment Court has consistently held that height controls reflect strategic planning intent and should not be casually set aside. The heritage designation of Redan Street reinforces that intent with particular force.

8. THE ILLUSTRATIVE MATERIAL IS MISLEADING

The application's visual material includes surrounding "proposed developments" to contextualise the bulk and scale of this building and make it appear less out of place. I am aware that at least some of those developments shown in the illustrations have since been confirmed as not proceeding.

Using cancelled or speculative projects to normalise the scale of this proposal is misleading. The Department should assess this building against what actually exists today and what will actually be built, not against a theoretical future streetscape that may never materialise.

9. VIEW LOSS IS REDISTRIBUTION, NOT SHARING

The Visual Impact Assessment concludes that the severe impacts on existing residents are acceptable partly because new residents in the upper-floor apartments will gain harbour views. Gaining views for new residents at the expense of existing residents is not view sharing. It is view redistribution. It is inconsistent with the established view-sharing principles applied by the Land and Environment Court and does not constitute a valid planning justification.

10. REDAN LANE IS UNSUITABLE FOR THE SERVICING THIS DEVELOPMENT REQUIRES

The proposal relies on Redan Lane for service and operational access, including waste collection, deliveries and emergency vehicles. Redan Lane is approximately four metres wide. It lacks pedestrian infrastructure and was never designed for high-intensity servicing.

It cannot accommodate the volume and type of vehicles a fifty-three apartment development generates daily. Eight of the eleven affordable apartments are also accessed from this lane, a lane that is unpaved and without adequate lighting for regular pedestrian use. The safety and operational risks this creates have not been adequately addressed in the EIS.

11. THE CUMULATIVE IMPACT ON THE STREET HAS NOT BEEN ASSESSED

This proposal alone would effectively double the number of dwellings in Redan Street. That is before accounting for further Low and Mid-Rise applications expected to follow on the western side of the street, all of which will require similar access to Redan Lane.

The infrastructure implications of this street absorbing this level of additional density have not been assessed in any cumulative sense. The Department's decision on this application will set a reference point for what follows. That context should weigh heavily in its assessment.

12. CONSTRUCTION WILL MAKE THIS STREET GENUINELY UNUSABLE FOR YEARS

The most recent development on this street was Redan Lane: six units. It took approximately two years to complete. For the entire construction period there was no on-street parking from 7am to 4pm every day.

This proposal is for fifty-three apartments across a 3,200 square metre site with two full basement levels of sandstone excavation. That is not a larger version of Redan Lane. It is a categorically different undertaking. Construction will be measured in years, not months. During that time this narrow street will be repeatedly and substantially blocked by construction vehicles, concrete trucks, excavation equipment and deliveries. Residents will have no parking and in some cases no practical access to their homes.

The EIS does not take this seriously. There is no binding mitigation, no honest assessment of the cumulative daily impact on residents, and no acknowledgment of what it actually means to live next to a project of this scale on a street this narrow for an extended period.

I ask the Department to require a detailed, independently reviewed Construction Traffic Management Plan addressing parking displacement, residential access, delivery scheduling and realistic duration, before any approval is granted.

13. THE EXCAVATION POSES A GENUINE STRUCTURAL RISK TO MY HOME

Two full basement levels of sandstone excavation across a 3,233 square metre site is the most significant excavation this street has ever faced by a long way.

My home is approximately ten metres from the excavation boundary. It is around 105 years old and sits on sandstone foundations. Previous construction works on and near this street have caused documented structural damage to neighbouring properties.

The vibration, noise and ground movement from sandstone excavation at this scale, this close to a building of this age, poses a genuine and serious risk to my home's structural integrity. Beyond the structural risk, the excavation phase will make my house unlivable. The noise and vibration will be constant. The dust will be pervasive. And unlike an inconvenience, structural damage to a century-old sandstone house may be irreversible.

The EIS does not address these risks adequately. There are no binding pre-construction dilapidation survey requirements, no independent vibration monitoring commitments and no clear process for residents to seek remedy if damage occurs.

I ask the Department to require, as a minimum: independent pre-construction structural surveys of all properties within fifty metres of the excavation boundary; real-time vibration monitoring with published results and enforceable limits; and a clear, accessible claims process for residents whose properties are damaged.

14. SHADOW, PERMANENT LOSS OF SUNLIGHT TO MY HOME AND GARDEN

A twelve-storey building directly opposite will put my front and rear garden in shadow for a substantial part of every day. I currently get full sun across both. That will be gone. Not reduced. Gone. This affects how my family lives at home in a basic and daily way, and it cannot be undone.

I ask the Department to model the shadow impact on properties directly opposite the site, not just adjacent, at the times of day when gardens and outdoor living areas are actually in use.

15. AN ON-SITE INSPECTION IS NEEDED

I ask the Department to inspect Redan Street in person before making any determination. Plans, elevations and photomontages do not convey what this street is actually like: how narrow it is, how close the houses sit to one another, how consistent and low the existing built form is, and what it would mean in practice to have a twelve-storey building where five houses currently stand. The context must be experienced directly to be properly understood.

CONCLUSION

The affordable housing lasts fifteen years. This building will stand long beyond that. The planning case is built on stacked concessions that individually push the rules and collectively break them. The construction phase will make this street genuinely unlivable for years. My century-old house on sandstone sits ten metres from the excavation. The heritage designation of Redan Street is not incidental. It reflects what is worth protecting here, and this development would erase it. The visual impact from Balmoral Beach is not a minor consideration in a Scenic Protection Area. And the core justification for the height, the affordable housing, has never been shown to be affordable to the people it is supposed to serve.

None of these concerns can be resolved by conditions of consent. They go to whether this building should be approved at all.

I respectfully ask the Department to refuse this application.

Yours faithfully,

Ben Pike
Redan Street
Mosman NSW 2088
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Reference: SSD-93020230, 40-48 Redan Street, Mosman