

# FORMAL OBJECTION

State Significant Development Application No. SSD-93020230 • 40–48 Redan Street, Mosman NSW 2088

## Dr Jane Catherine Watts

19 Mandolong Road, Mosman NSW 2088

*Long-term Mosman resident (approximately 40 years) • approximately 300 metres from the subject site*

## 1 STATEMENT OF OBJECTION AND PERSONAL CONTEXT

I write to formally object to the proposed State Significant Development at 40–48 Redan Street, Mosman (SSD-93020230).

I have lived in Mosman for close to four decades. My husband and I live at 19 Mandolong Road, approximately 300 metres from the proposed development site. We chose this community for its irreplaceable qualities: the village atmosphere, the intact heritage streetscapes, the generous tree canopy, the harbour light, and the quiet dignity of a low-rise residential neighbourhood that has been nurtured over generations.

I have worked through hundreds of pages of technical reports, photomontages and planning justifications. It is my firm view that the applicant's documentation has been carefully structured to minimise the apparent impact of the proposal rather than to illuminate it honestly. It is an application engineered to extract maximum development uplift from every available State planning mechanism while delivering the absolute minimum of genuine community benefit. The affected community has been given no meaningful opportunity to engage with what is actually being proposed. The applicant seeks approval for a 12-level residential flat building – 10 storeys above ground plus two basement levels of parking – comprising 53 apartments on a site within one of Mosman's most intact and significant Federation-era residential precincts. The proposed building height is approximately five times the maximum permitted under the Mosman Local Environmental Plan.

To reach that height, the applicant does not rely on a single planning provision. It has identified and applied every available State-level mechanism simultaneously:

- The Low and Mid-Rise Housing Policy, which permits increased height and density near designated town centres
- A 30% height bonus under the infill affordable housing incentive provisions
- A Clause 4.6 variation to exceed the height limit that results even after those two mechanisms are applied
- The State Significant Development pathway, which removes the application from local council assessment entirely

The fact that a Clause 4.6 variation is still required after invoking every available State incentive is deeply revealing. This proposal exceeds the planning framework even after every available concession has been granted. The affordable housing component is the key that unlocks this entire

mechanism – yet as I demonstrate below, the affordable housing outcome delivered is minimal in quantity, temporary in duration, and structurally segregated from the luxury development it is used to justify.

***The core of this objection is this: planning provisions designed to deliver genuine housing diversity and social inclusion are being exploited to justify a 10-storey luxury tower in a heritage streetscape of one- to two-storey Federation dwellings. In exchange for permanent, irreversible impacts on heritage, views, privacy, solar access and neighbourhood character, the community receives 11 'affordable' units for 15 years – accessed through a separate 'poor door' entrance on Redan Lane, segregated from the ultra-high-net-worth residents of the building's 42 market apartments. This is not planning policy working as intended. It is planning policy being shamelessly exploited for financial gain.***

When assessed on its merits under section 4.15 of the 'Environmental Planning and Assessment Act 1979', this proposal gives rise to the following serious and unacceptable impacts, each addressed in turn below:

- Misuse of affordable housing provisions
- Unacceptable and irreversible heritage impacts
- Devastating view loss – iconic views to Manly, North Head, South Head and Middle Harbour
- Effective total solar loss on 21 June for properties in Redan Lane and its surrounds
- Severe and permanent loss of privacy for neighbouring properties
- Sustained noise impacts during construction and in perpetuity
- Excessive bulk and visual dominance, including conflict with the Scenic Protection Area
- Misleading visual material presenting non-existent future buildings
- Traffic, parking and safety impacts on a constrained local road network

These impacts are inherent to the scale of the proposal. They cannot be resolved through conditions or minor design changes.

## 2 MISUSE OF AFFORDABLE HOUSING PROVISIONS

### 2.1 Composition and reality of the affordable component

The proposal includes 11 affordable housing units out of a total of 53 dwellings – approximately 21%. Of these 11 units, eight are bedsits located along Redan Lane at the rear of the site, and three are described as “executive affordable” units integrated elsewhere in the building. The remaining 42 units are large, high-end luxury apartments clearly designed and marketed to target ultra-high-net-worth purchasers. The affordable component is ancillary to the primary purpose of the development – it is not a genuine driver of housing diversity. It is the price of entry to the planning bonuses the applicant requires.

## 2.2 The ‘poor door’: segregation by design

The market apartments are accessed via the primary building entrance on Redan Street. The affordable units are accessed via a separate entrance from Redan Lane – the back lane at the rear of the site. This “poor door” configuration is not incidental to the design. It is a deliberate architectural decision that segregates residents by income from the moment they arrive home.

Occupants of the affordable units will use a different entrance, carry a different address, and be physically excluded from the common areas, amenities and residential community of the market building. This arrangement is antithetical to the purpose of affordable housing policy, which is to foster socially integrated, mixed-income communities – not to provide a mechanism by which luxury developers can access height bonuses while keeping lower-income residents out of sight. From a planning and urban design perspective, this arrangement:

- Undermines the principle of social integration that underpins affordable housing policy
- Reinforces inequality within a single development
- Conflicts with the intent of mixed-community housing objectives under the relevant SEPP provisions

## 2.3 Temporary in duration, permanent in impact

The affordable housing obligation applies for a period of only 15 years. After that, the units may revert to full market housing. The community receives a time-limited, segregated and quantitatively minor benefit. The developer receives 42 luxury apartments and a permanently altered neighbourhood. The heritage streetscape does not return after 15 years. The views do not return. The solar access of affected residents does not return.

## 2.4 The planning trade-off that is being asked of this community

The table below makes the fundamental imbalance plain:

PERMANENT COMMUNITY LOSS	TEMPORARY 'BENEFIT' OFFERED
Heritage streetscape permanently overwhelmed by a 10-storey tower	Eight bedsits via a back-lane 'poor door' – the least desirable units in the building
Iconic views to Manly, North Head, South Head and Middle Harbour eliminated for multiple residences	Three 'executive affordable' units elsewhere in the building
Total solar loss for 77A, 77B and 77C Redan Lane from early morning on 21 June – effectively the entire day	Affordable obligation expires after 15 years; units revert to full market prices
Privacy permanently destroyed – close-range, elevated, irremediable overlooking	No integration with the luxury building's common areas or community
Permanent canyon-effect noise along Redan Lane	Applicant retains 100% of the economic upside of 42 luxury apartments

Structural traffic overflow and multi-year construction closure of Redan Street

No public open space, community facilities or enduring public benefit

This is not a reasonable planning trade-off. The affordable housing component is not a genuine planning outcome. It is a mechanism to unlock a scale of development that would otherwise be neither permissible nor acceptable. This weighs strongly against the proposal under s.4.15(a) (consistency with planning instruments) and s.4.15(e) (the public interest).

### 3 HERITAGE IMPACT – UNACCEPTABLE AND IRREVERSIBLE

#### 3.1 Heritage context

The site comprises a group of early Federation-era dwellings of recognised significance, including:

- 40 Redan Street (Federation, c.1902)
- 42 Redan Street (Federation, c.1902)
- 44 Redan Street (Federation Queen Anne, c.1900)
- 46 and 48 Redan Street

The site sits immediately adjacent to further recognised heritage items:

- 36–38 Redan Street (Federation Arts & Crafts semi-detached pair)
- 52 Almora Street (Federation Queen Anne residence), fronting Redan Lane
- The broader Redan Street streetscape, which has recognised heritage value

The significance of these items derives not only from their architectural form, but equally from their low-rise scale, their elevated and visually prominent position within the topography, their relationship to surrounding development and open space, and the coherent low-rise character of the streetscape as an ensemble. These qualities are fragile. Once broken, they cannot be restored.

#### 3.2 Impact of the proposal

A 10-storey building introduced directly adjacent to this context will transform the heritage condition in a fundamental and irreversible way. Heritage buildings that currently read as primary elements within a coherent low-rise streetscape will be reduced to subordinate foreground objects in front of a dominant tower. This is not merely a visual loss – it is a loss of heritage meaning, legibility and setting.

#### 3.3 Failure of proposed mitigation

The applicant relies on setbacks, podium treatment and architectural articulation as mitigation. These measures do not address the core problem. The impact arises from the scale, height and dominance of the building itself – not from its detailing. No amount of architectural modulation can offset the visual and spatial consequences of a 10-storey structure in a streetscape of single- and two-storey dwellings.

### 3.4 Legal framework

The Land and Environment Court has consistently reinforced that:

- New development must not dominate or overwhelm heritage items ('Project Venture Developments v Pittwater Council')
- Heritage significance extends beyond built form to include setting, context and spatial relationships ('Corkery v Sutherland Shire Council')

The proposal is irreconcilable with both principles. Heritage impact alone is a sufficient basis for refusal.

## 4 SCENIC PROTECTION AREA – DIRECT CONFLICT

### 4.1 Strategic context

A Scenic Protection Area (SPA) boundary runs through the site. This is a primary planning constraint that has not been properly addressed. The SPA framework is intended to protect the landscape character of the locality, limit visually intrusive or dominant built forms, preserve coastal, harbour and topographic views, and ensure development responds appropriately to topography and landscape setting. These are long-standing and deliberate planning controls, not secondary considerations.

### 4.2 Conflict with the proposal

The proposed development is fundamentally inconsistent with these objectives. It will:

- Introduce a 10-storey vertical form within a sensitive visual catchment
- Present as a dominant and intrusive element from surrounding streets, the Balmoral foreshore and surrounding ridgelines
- Disrupt the established low-rise, landscape-dominated character of the area

The site's topography materially intensifies these impacts: it elevates the building above surrounding development, increases visibility from multiple directions, and extends the building's visual presence well beyond the immediate streetscape.

### 4.3 Relationship to heritage and conclusion

The SPA conflict directly reinforces the heritage impacts identified in Section 3. The defining characteristics of the area – low-rise built form, strong relationship to topography, visual coherence of the streetscape – are simultaneously the basis of its heritage significance and its scenic value. This proposal undermines both in a single move. The conflict with the SPA weighs strongly against approval under s.4.15(a) and s.4.15(e) and, in combination with the heritage impacts above, constitutes an independent basis for refusal.

## 5 VIEW LOSS – SEVERE AND UNREASONABLE

Properties along Redan Lane, Muston Street and Almora Street currently benefit from open outlooks, sky views and, critically, iconic views to Manly, North Head, South Head and the Middle Harbour waters. These are not peripheral or incidental glimpses. They are the defining outlooks of these homes – views that contribute materially to residential amenity, liveability and the character of daily life for affected residents.

The proposed building will eliminate these views. It will replace open sky and water views with a building mass ten storeys tall. The sense of enclosure created will not be peripheral to the living experience of affected residents – it will dominate it. The impact will be permanent, emotionally and psychologically distressing, and will fundamentally alter how affected families are able to live in their own homes.

The applicant characterises this impact as blocking only “open sky.” This characterisation is misleading. Loss of open sky and loss of iconic Middle Harbour and headland views in a low-rise neighbourhood where these are defining residential qualities are not trivial consequences. They represent a fundamental and lasting diminution of amenity.

*Under ‘Tenacity Consulting v Warringah’, the reasonableness of view loss must be assessed against the cause and scale of the impact. Here the loss is significant, the cause is the applicant’s election to build at a height five times the permitted maximum, and the outcome is unreasonable. The Panel should treat this as a weighty factor against approval.*

## 6 OVERSHADOWING – EFFECTIVE TOTAL SOLAR LOSS

The overshadowing impact on 21 June – the winter solstice and the worst solar access day of the year – is severe and has been understated in the application. Properties at 77A, 77B and 77C Redan Lane, together with other adjacent properties, will experience effective total solar loss for the entire day. The shadow diagrams demonstrate that these properties will be shadowed from early morning, receive no meaningful direct sunlight at any point during the day, and be in full shadow from mid-afternoon. This is not intermittent or partial overshadowing. It is the near-complete elimination of solar access on the worst day of the year for permanently occupied residences.

Sunlight is not a luxury. It is a fundamental element of residential amenity. The Land and Environment Court has consistently recognised that loss of sunlight to principal living areas is a serious planning impact, particularly where that loss is permanent and cannot be mitigated. The Court has confirmed that technical compliance with height or density controls does not justify approval where unacceptable overshadowing results:

- ‘Parsons v Warringah Council’ [2002] NSWLEC 257
- ‘Howe v Pittwater Council’ [2005] NSWLEC 95
- ‘Tenacity Consulting v Warringah Council’ [2004] NSWLEC 140

This proposal fails that essential standard. The Panel should give this impact significant weight.

## 7 PRIVACY IMPACT – REDAN LANE AND MUSTON STREET

The privacy impacts associated with this proposal are severe, direct and unavoidable, and have been materially understated in the application. The proposed development includes multiple levels of balconies and habitable rooms that directly face neighbouring properties along Redan Lane and Muston Street at close range. These are not distant or oblique relationships – they are elevated, direct-facing interfaces.

From these vantage points, residents of the proposed building will have clear and uninterrupted sightlines into the most sensitive areas of neighbouring homes, including:

- Primary living areas such as lounge rooms and kitchens
- Bedrooms
- Private outdoor spaces including balconies, terraces and courtyards

This overlooking is particularly intrusive because it is elevated and downward-facing. Fencing and landscaping cannot protect against overlooking from above. With apartments distributed across multiple levels, the overlooking will be continuous throughout the day, generated by multiple occupants simultaneously. Residents will be forced to close blinds during daylight hours, avoid using certain rooms, and withdraw from their own outdoor spaces. This is a permanent and material loss of the ability to live normally in one's own home.

Proposed mitigation – privacy screens, increased setbacks, landscaping – is ineffective at this building height and at these separation distances. The result is a systematic and irremediable loss of residential privacy.

## 8 BULK, SCALE AND VISUAL DOMINANCE

The proposed building is a 12-storey structure – 10 storeys above ground, with two basement levels – in a neighbourhood of single- and two-storey dwellings. The applicant argues that façade articulation, stepping and podium design will soften its presence. This argument should not be accepted.

Architectural modulation introduces visual variation. It does not reduce the height or mass of the building. The building will still be experienced as large, continuous and overbearing from every surrounding vantage point: the Balmoral foreshore, Redan Street, Redan Lane, Muston Street and Almora Street. It will visually enclose adjoining properties, eliminate the sense of openness that characterises the area, and present a built form disproportionate to everything around it.

The Land and Environment Court has been clear: bulk and scale must be assessed by reference to real visual impact, not design intent ('Newcastle City Council v White' [2019]). The real visual impact of this building, in this context, is manifestly unacceptable.

## 9 NOISE – CONSTRUCTION AND ONGOING OPERATION

### 9.1 Construction phase

Construction of this development requires deep excavation into sandstone, sustained use of heavy machinery, continuous truck movements through narrow local streets, and a construction period of multiple years. The constrained geometry of Redan Lane and Muston Street will cause sound to reflect and amplify rather than dissipate, concentrating noise within residential areas that have no practical means of escape from it. Residents will face persistent daytime noise, early morning construction activity and vibration from rock excavation for an extended period, materially affecting quality of life, sleep, health and the ability to work from home.

For context: the last development on Redan Street comprised just six units and consumed all available on-street parking from 7am to 5pm, six days a week, for eighteen months. This proposal is nearly nine times larger.

### 9.2 Permanent operational noise

Once built, the development will introduce a permanent new source of neighbourhood noise. Multiple stacked balconies across the rear and side façades will generate continuous, overlapping noise from 53 households. Hard building surfaces, parallel façades and narrow separation distances will create a ‘canyon effect’ along Redan Lane – sound reflecting between surfaces, travelling further than expected and persisting longer than in an open environment. The acoustic character of the lane, currently quiet and residential, will be permanently altered. These impacts are inherent in the geometry and scale of the building and cannot be resolved by conditions or acoustic management plans.

## 10 TRAFFIC, PARKING AND SAFETY

The proposal provides 106 car parking spaces for 53 apartments. For 42 large luxury apartments in Mosman, whose residents will typically own multiple vehicles, that ratio generates structural overflow onto Redan Street and the surrounding local road network. A single driveway serving 106 spaces will concentrate vehicle movements at one point on a quiet residential street throughout the day and evening.

Redan Lane is very narrow, with no footpaths. The ‘poor door’ entrance for the affordable units is located on Redan Lane, meaning additional foot traffic, service vehicles and deliveries directed to this entrance will create ongoing safety risks for pedestrians, cyclists and existing lane users.

The construction phase alone will effectively close Redan Street to normal residential use for years. The last six-unit development on Redan Street took eighteen months and absorbed all on-street parking throughout. This proposal is nine times larger. The permanent traffic impact after completion will be structural and irreversible – more vehicles, concentrated access at a single driveway, and overflow parking absorbed by a local road network not designed for a 53-apartment building.

## 11 MISLEADING PHOTOMONTAGES AND VISUAL MATERIAL

### 11.1 Phantom future buildings

The photomontage package submitted with this application includes representations of hypothetical future buildings – shown as ‘maximum envelopes’ – that do not exist and may never exist. These phantom buildings are inserted into the visual material to make the proposed development appear contextually consistent by reference to a built environment the applicant has invented. The technique attempts to normalise the excessive bulk of the proposed building by comparing it not to what exists today, but to what the applicant hopes might one day exist if other developers pursue similar overdevelopment. It misrepresents the existing context, creates a false baseline for assessment, and assumes future overdevelopment to justify current overdevelopment.

### 11.2 The ‘open sky only’ framing

The application repeatedly describes the proposal’s visual impact as blocking only “open sky.” This characterisation is misleading. Loss of open sky – particularly in a low-rise neighbourhood characterised by generous sky views and iconic middle harbour views – results in increased enclosure, reduced outlook, and greater visual dominance. It is not a neutral or trivial impact. The Panel should not accept this framing.

The photomontages understate the development’s real impact and should be given limited weight.

## 12 COMMUNITY CONSULTATION – FORM WITHOUT SUBSTANCE

The applicant claims to have sent 1,676 postcards to immediate neighbours of 20–48 Redan Street. Many residents do not recall receiving one, and most first heard of this proposal when contacted by the Department of Planning – not the developer. Where postcards did arrive, they appeared in nearby streets rather than the immediately affected ones, delivered in the evening with an invitation to a community meeting the following morning.

The outcome: 43 survey responses and six participants across two focus group sessions. For a 10-storey development in an established heritage neighbourhood this outcome does not reflect community indifference – it is the direct consequence of a consultation methodology designed to minimise meaningful participation while satisfying the procedural minimum.

When Mosman Council met the developer in January 2026 and raised specific concerns about scale, heritage, traffic and stormwater, every single concern received the identical response: “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. This is not genuine engagement with legitimate planning concerns. It is a procedural exercise dressed up as consultation.

## 13 CONCLUSION AND FORMAL RECOMMENDATION

This proposal represents a fundamental overdevelopment of the site. It relies on planning provisions intended to encourage housing diversity and uses them to justify a top-tier luxury development that is excessive in height and bulk, causes unacceptable impacts on neighbouring properties,

undermines heritage significance, and fails to achieve any balanced or integrated outcome. It also directly conflicts with the Scenic Protection Area controls applicable to the site.

The cumulative impacts – heritage, scenic protection, view loss, overshadowing, privacy, noise, traffic and visual dominance – are severe, interrelated and irreversible. They cannot be mitigated through conditions or design refinement. They are a direct consequence of the building's excessive scale, which is itself the result of an application engineered to extract the maximum permissible height by stacking every available State-level planning mechanism.

***Eleven affordable units – eight bedsits in a back lane, accessed through a separate entrance, available for 15 years – justify nothing. They do not justify a tower five times the permitted height. They do not justify the permanent destruction of a heritage streetscape. They do not justify extinguishing iconic Middle Harbour views, solar access and privacy of the families who live on Redan Lane and Muston Street.***

Having regard to section 4.15 of the 'Environmental Planning and Assessment Act 1979' in its entirety, and in particular to:

- Section 4.15(a) – the extent to which the proposal conflicts with applicable planning instruments, including the Scenic Protection Area controls and the heritage provisions of the Mosman Local Environmental Plan
- Section 4.15(b) – the likely impacts of the proposal on the natural and built environment, including heritage, view loss, overshadowing, privacy, noise and visual dominance
- Section 4.15(e) – the public interest, including the fundamental imbalance between permanent, irreversible community harm and a temporary, segregated and quantitatively minor affordable housing benefit

I submit that the proposal fails to achieve an acceptable planning outcome on multiple independent grounds, each of which weighs heavily against approval.

**THE PANEL SHOULD REFUSE THIS APPLICATION.**

Yours faithfully

**Dr Jane Catherine Watts**

19 Mandolong Road, Mosman NSW 2088