

# OBJECTION TO STATE SIGNIFICANT DEVELOPMENT APPLICATION

SSD-93020230 • 40–48 Redan Street, Mosman NSW 2088

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Submitted by:

**Tony Hodgson**

2 Moruben Road, Mosman NSW 2088

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## 1. BACKGROUND

I, along with my wife, Judy Hodgson, am a resident of 2 Moruben Road, Mosman, a heritage-listed stone residence widely known as the *Tower House* or *Castle*.

What is being proposed at 40–48 Redan Street is, in my assessment, one of the most structurally opportunistic development applications I have encountered. It does not represent planning policy achieving its purpose. It represents a well-resourced applicant identifying every available lever in the State planning system and pulling them all simultaneously to extract a 10-storey luxury tower from a site where the underlying planning controls permit nothing remotely approaching that scale.

I am also writing as a resident who has witnessed what happens to a neighbourhood when development of this kind proceeds. The damage is not temporary. A heritage streetscape overwhelmed by a 10-storey tower does not recover. Views eliminated do not return. Privacy lost to an elevated building mass cannot be restored by any condition or management plan.

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*I urge the Panel to assess this application not merely for technical compliance, but for what it actually delivers – and what it permanently destroys.*

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## 2. HOW THIS BUILDING REACHES TEN STOREYS: THE STACKED INCENTIVE PROBLEM

The Panel will be familiar with each of the planning mechanisms invoked by this applicant individually. What is unusual – and what the Panel should examine with particular care – is the simultaneous stacking of all of them:

- The Low and Mid-Rise Housing SEPP, which unlocks increased height and density near designated town centres
- A 30% bonus height uplift 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

Each of these mechanisms exists for a legitimate purpose. None was designed to operate in combination with all the others, simultaneously, on a single site in a low-rise heritage precinct. The cumulative result is a permitted height approximately five times the underlying maximum under the Mosman LEP.

The most telling detail in the entire application is this: even after the Low and Mid-Rise SEPP, even after the 30% bonus, even after the SSD pathway, a Clause 4.6 variation is still required. That is not an application operating within the planning system. That is an application that has exhausted every concession the system offers and then asked for more.

The affordable housing component is the mechanism that makes this combination possible. Without it, the 30% bonus does not apply and the SSD pathway is not available at this scale. The affordable housing provisions are the key that unlocks the loophole. Yet as I examine below, the affordable housing outcome is minimal, temporary and structurally segregated from the luxury component of the building it is used to justify.

### **3. THE AFFORDABLE HOUSING PROVISIONS: A PRETEXT, NOT A PURPOSE**

#### **What the applicant is actually delivering**

The proposal includes 11 affordable units out of 53 total dwellings (approximately 21%). Of those 11:

- 8 are bedsits, located along Redan Lane at the rear of the site – the smallest, least desirable units in the building
- 3 are described as ‘executive affordable’ – a category that raises its own questions about what ‘affordable’ means in this context

The remaining 42 units are large, multi-bedroom luxury apartments targeted at ultra-high-net-worth purchasers. The affordable component is not the purpose of this

development. It is the price of entry to the planning bonuses that make the development commercially viable at this scale.

### **The 'poor door': architectural inequality encoded in brick and mortar**

The affordable units are accessed via a separate entrance from Redan Lane – the back lane at the rear of the site. Market apartment residents enter from Redan Street, the primary frontage. This is a 'poor door' configuration: a deliberate design choice 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 separated from the amenities, common areas and residential community of the market building. This arrangement is antithetical to the stated purpose of affordable housing policy, which is to foster socially integrated, mixed-income communities – not to provide a planning mechanism by which luxury developers can access height bonuses while keeping lower-income residents out of sight.

### **Fifteen years and then it's over**

The affordable housing obligation applies for 15 years. After that, the units may revert to market housing at the operator's discretion. 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 neighbours' privacy does not return.

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*The permanent destruction of a heritage precinct cannot be justified by 15 years of segregated affordable bedsits. This is not a reasonable planning trade-off.*

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The table below makes the imbalance plain:

| WHAT THE COMMUNITY LOSES – PERMANENTLY                                  | WHAT THE COMMUNITY GAINS – TEMPORARILY                           |
|---|--|
| Heritage streetscape permanently overwhelmed by a 10-storey tower       | 8 bedsits accessed via a back-lane 'poor door' on Redan Lane     |
| Views to Manly, North Head, South Head and Middle Harbour eliminated    | 3 'executive affordable' units within the building               |
| Near full-day overshadowing for 77A, 77B, 77C Redan Lane on 21 June     | Affordable component lasts 15 years only, then reverts to market |
| Privacy destroyed for all neighbours along Redan Lane and Muston Street | No physical integration with the luxury building's common areas  |

Canyon-effect noise and structural traffic increase – permanent

Applicant retains 100% of the economic upside from 42 luxury apartments

## 4. HERITAGE IMPACT: THE LOSS THAT CANNOT BE UNDONE

### The heritage context

The site comprises a group of Federation-era dwellings dating from approximately 1900–1902, including Federation and Federation Queen Anne dwellings at 40, 42, 44, 46 and 48 Redan Street. Immediately adjacent are significant heritage items: 36–38 Redan Street (a Federation Arts & Crafts semi-detached pair), 52 Almora Street (Federation Queen Anne, fronting Redan Lane), and the broader Redan Street streetscape.

My wife Judy and I have lived at 2 Moruben Road for many years, in a heritage-listed residence that is itself part of the same precinct. We understand, from long personal experience, what makes this part of Mosman significant. The Redan Street precinct is among the most intact Federation-era residential environments the municipality has. Its significance lies not in any single building but in the ensemble: the coherent low-rise scale, the relationship between buildings and the topography, the spatial quality of a streetscape that has been protected across many decades of development pressure. That quality is fragile. It cannot be restored once broken.

### What a 10-storey building does to this setting

Heritage buildings that currently read as primary elements within a coherent low-rise streetscape will become subordinate foreground objects in front of a dominant tower. The loss is not merely visual. It is a loss of heritage meaning, legibility and setting – the qualities that make the precinct significant in the first place.

No design measure resolves this. Setbacks, podium articulation and stepping reduce neither the height nor the visual dominance of the building. The Land and Environment Court has been consistent on this point: in ‘Project Venture Developments v Pittwater Council’, the Court held that new development must not dominate or overwhelm heritage items; in ‘Corkery v Sutherland Shire Council’, it confirmed that heritage significance includes setting, spatial relationships and context – not just physical fabric. This proposal is irreconcilable with both principles.

I want to be direct: I am not opposed to development. What I am opposed to is the permanent, irreversible destruction of a demonstrably significant heritage precinct to deliver a temporary affordable housing benefit of marginal scale. That is not development in the public interest.

## 5. SCENIC PROTECTION AREA: A CONTROL THAT CANNOT BE OVERRIDDEN BY DESIGN INTENT

A Scenic Protection Area (SPA) boundary runs through this site. This control was not inserted into the planning framework accidentally or casually. It reflects a considered and long-standing planning judgment that this part of Mosman – elevated, topographically prominent, and visually connected to the Balmoral foreshore and surrounding ridgelines – requires specific protection from development that would read as visually dominant or intrusive.

The SPA framework is designed to:

- Preserve the landscape character of the locality
- Prevent development that reads as visually dominant or intrusive
- Protect coastal, harbour and topographic views
- Require built form to respond to topography and landscape setting

This proposal conflicts with every one of those objectives. The site's elevated topography does not reduce the building's visual impact – it amplifies it, extending the tower's presence beyond the immediate streetscape to the Balmoral foreshore, the surrounding ridgelines and the streets of Mosman that look across this part of the suburb.

The SPA conflict is not separate from the heritage impact. The defining characteristics of the area – its low-rise scale, its relationship to topography, its visual coherence as a streetscape – are simultaneously the basis of its heritage significance and its scenic value. Approving this proposal would undermine both in a single decision and set a precedent this Panel should not be willing to establish.

The conflict with the SPA weighs heavily 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.

## 6. IMPACTS ON NEIGHBOURING RESIDENTS

### 6A – VIEW LOSS

#### **Not view sharing: view elimination**

Properties along Redan Lane, Redan Street, Muston Street and Almora Street currently enjoy open outlooks and, in many cases, views to Manly, North Head, South Head and the Middle Harbour waters. These are not incidental glimpses. They are the defining outlooks of these homes – views that contribute materially to how their residents experience daily life.

The proposed building will replace those views with a building mass ten storeys tall. The applicant characterises this as blocking only “open sky”. That characterisation is misleading. Loss of open sky in a low-rise neighbourhood with generous sky views and harbour glimpses is not a neutral impact. It produces increased enclosure, reduced outlook, and the psychological weight of a dominant built form where there was previously openness.

*Under ‘Tenacity Consulting v Warringah’,* view loss must be assessed on the basis of reasonableness. The loss here is not incidental. It is the direct and foreseeable consequence of a developer choosing to build at five times the permitted height. That choice is the developer’s. Its consequences should not be borne by the residents of Redan Lane and Muston Street.

## 6B – OVERSHADOWING

### **Near full-day shadow on the winter solstice**

Properties at 77A, 77B and 77C Redan Lane, and other adjacent properties, will be in shadow for most of 21 June: shadowed in the morning, receiving minimal direct sunlight at midday, and in full shadow from the afternoon onward. This is continuous, not intermittent. It is a near-total loss of solar access on the worst day of the year – an outcome that fails any reasonable test of residential amenity.

## 6C – PRIVACY

### **Permanent, elevated, unavoidable overlooking**

Multiple levels of balconies and habitable rooms in the proposed building will look directly across Redan Lane and towards Muston Street. These are not distant or oblique sightlines. They are close-range, elevated, downward-facing views into the most private spaces of neighbouring homes: lounge rooms, kitchens, bedrooms and private outdoor areas.

Overlooking from height cannot be mitigated by fencing or landscaping. Privacy screens and setbacks have been proposed, but they are ineffective at this building height and at these separation distances. The practical result for affected residents is that they will be forced to close blinds during daylight hours, retreat from outdoor spaces, and reorganise their domestic lives around the permanent presence of an elevated building watching over them. That is a material and permanent loss of residential amenity.

## **7. NOISE – CONSTRUCTION PHASE AND PERMANENT OPERATIONAL IMPACTS**

### **Construction: years of disruption in a constrained environment**

The construction of this development requires deep excavation into sandstone, heavy machinery, continuous truck movements, and a construction period measured in years. Redan Lane and Muston Street are narrow; their geometry will cause noise to reflect and amplify rather than disperse, concentrating it within the residential areas immediately surrounding the site.

Residents will face persistent daytime noise, early morning construction activity and vibration from rock excavation for an extended period. For context: the last development on Redan Street – just six units – consumed all available on-street parking from 7am to 5pm, six days a week, for eighteen months. This proposal is nearly nine times larger. The construction impact on residents will be proportionate.

### **Operation: a permanent canyon effect**

Once built, the development introduces a permanent new source of noise. Multiple stacked balconies along the rear and side façades will generate continuous, overlapping sound from 53 households: conversations, gatherings, music. The combination of hard surfaces, parallel façades and narrow separation distances will produce a ‘canyon effect’ along Redan Lane: sound reflecting between surfaces, travelling further than expected and persisting longer than in an open environment. These are not impacts that management plans can resolve. They are inherent in the geometry and scale of the building.

## **8. TRAFFIC, PARKING AND SAFETY**

The proposal provides 106 car spaces for 53 apartments. For 42 large luxury apartments in Mosman, whose residents will typically own multiple vehicles, that ratio produces structural overflow onto Redan Street and surrounding local roads not designed to carry it. A single driveway serving 106 spaces will concentrate vehicle movements throughout the day at one point on a quiet residential street.

Redan Lane is very narrow and has no footpaths. The ‘poor door’ entrance for the affordable units is located on Redan Lane. The combination of additional foot traffic, service vehicles and the existing use of the lane creates safety risks for pedestrians, cyclists and existing residents. This is not a theoretical concern.

As noted above, the last Redan Street development was six units and rendered the street effectively inaccessible for eighteen months. This proposal is nine times larger. The construction phase alone will close Redan Street to normal residential use for years. The permanent traffic impact after completion will be structural: more vehicles, concentrated access, and overflow parking absorbed by a local road network that was not designed for a 53-apartment building.

## **9. VISUAL MATERIAL: PHANTOM BUILDINGS AND MISLEADING FRAMING**

The photomontages submitted with this application include representations of hypothetical future buildings – ‘maximum envelopes’ – that do not exist. They are inserted into the visual material to make the proposed development appear consistent with a future built environment that the applicant has invented for this purpose.

This technique has a clear goal: to normalise the excessive bulk of the proposal by comparing it not to the neighbourhood that exists today, but to a denser neighbourhood that exists only in the applicant’s imagination. It misrepresents the current context, creates a false baseline for assessment, and assumes future overdevelopment as justification for present overdevelopment. The Panel should decline to assess this application against a context that has been fabricated.

The repeated claim that the building only blocks “open sky” compounds this misleading framing. In a low-rise neighbourhood where sky views and harbour glimpses are defining features of residential amenity, the loss of open sky is not a minor inconvenience. It represents increased enclosure, reduced outlook and the visual dominance of a building mass that has no precedent in its surroundings. The Panel should not accept that framing.

The photomontages understate the proposal’s real impact. They should be given limited weight.

## **10. COMMUNITY CONSULTATION: THE APPEARANCE OF ENGAGEMENT WITHOUT THE SUBSTANCE**

As a long-term resident who has been closely engaged with this community for many years, I regard what the applicant has conducted here as an exercise in procedural compliance, not genuine engagement.

The applicant claims to have distributed 1,676 postcards to immediate neighbours of 20–48 Redan Street. That catchment contains approximately 50–100 households. No resident of Redan Street I am aware of received one. Most learned of the proposal through the Department of Planning, not the developer. Where postcards did arrive – in nearby streets, not the immediately affected ones – they appeared in the evening with an invitation to a community meeting the following morning.

The outcome: 43 survey responses and 6 participants across two focus group sessions. For a 10-storey development in an established heritage neighbourhood, that is not a

consultation outcome – it is a consequence of a consultation process designed to minimise participation.

When Mosman Council raised specific concerns in January 2026 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 a single specific answer. Not a single commitment. That is not genuine engagement with legitimate planning concerns. This was not it.

## 11. THE PUBLIC INTEREST: SECTION 4.15(E)

I want to address s.4.15(e) directly, because the applicant will argue that the planning framework permits this development and that the Panel’s role is therefore limited. That argument misunderstands the Act.

Section 4.15 requires the Panel to consider the public interest. Technical compliance with stacked incentive provisions does not establish public interest. It establishes that the applicant has successfully navigated a combination of mechanisms to reach a particular height. Whether the outcome of that navigation is in the public interest is a separate question – and the one this Panel must answer.

The public interest is not served by:

- The permanent destruction of a significant heritage precinct in exchange for 15 years of segregated affordable bedsits
- A proposal that the planning framework cannot accommodate without a Clause 4.6 variation even after every available concession has been applied
- A development that eliminates views, removes solar access, destroys privacy and imposes years of construction noise and traffic on an established community
- An affordable housing outcome that encodes social inequality into the building’s architecture by separating residents by income at the front door

I have observed genuinely good development in Mosman over many years.

Development that respects the existing character of a neighbourhood while delivering real community benefit. Development that treats heritage as context rather than obstacle. Development whose affordable housing component is integrated, not segregated. This is none of those things.

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*A temporary, segregated and quantitatively minimal affordable housing benefit does not justify permanent, irreversible harm to an established community and its irreplaceable heritage. The public interest requires refusal.*

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## 12. CONCLUSION AND FORMAL RECOMMENDATION

This application is structurally flawed. It relies on every available State planning mechanism simultaneously to achieve a height five times the underlying permitted maximum, then requires a further Clause 4.6 variation beyond that. The affordable housing that justifies this mechanism is minimal in quantity, temporary in duration, segregated by design and located in the least desirable positions in the building.

Set against that, the impacts are:

1. Permanent and irreversible heritage damage to one of Mosman's most intact Federation precincts
2. Conflict with the Scenic Protection Area framework – a deliberate, long-standing planning control
3. Elimination (not reduction) of views for multiple properties along Redan Lane, Muston Street and Almora Street
4. Near full-day overshadowing for 77A, 77B and 77C Redan Lane on the winter solstice
5. Systematic, permanent loss of privacy through close-range elevated overlooking
6. Sustained noise impacts during a multi-year construction phase and permanently thereafter
7. Structural traffic and parking overflow onto a local road network not designed for a 53-apartment building

Each of these impacts, considered in isolation, raises serious grounds for concern. Together, they represent a cumulative and compounding harm that cannot be resolved by conditions, redesign or management plans. The harm is a direct consequence of the scale of the building.

The Panel is not required to approve everything the planning framework technically permits. It is required to assess the public interest. This proposal does not serve it.

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**THIS APPLICATION SHOULD BE REFUSED.**

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Having regard to section 4.15 of the 'Environmental Planning and Assessment Act 1979' in its entirety, including s.4.15(a) (consistency with applicable planning instruments,

including the Scenic Protection Area and Mosman LEP heritage provisions), s.4.15(b) (the likely impacts on the natural and built environment), and s.4.15(e) (the public interest), I submit that the proposal fails to achieve an acceptable planning outcome on multiple independent grounds and should be refused.

Yours faithfully

**Tony Hodgson**

2 Moruben Road, Mosman NSW 2088