
WRITTEN OBJECTION – State Significant Development Application No. SSD-93020230

40–48 Redan Street, Mosman NSW 2088

Judy Hodgson • 2 Moruben Road, Mosman NSW 2088

Owner and continuous resident since 1970 – the ‘Tower House’ / ‘Castle’ (heritage-listed stone residence)

I Statement of Standing and Personal Concern

I am Judy Hodgson, owner and continuous resident of 2 Moruben Road, Mosman – a heritage-listed stone residence known locally as the ‘Tower House’ or ‘Castle’. I have resided at this address continuously since 1970. Over more than fifty-five years, I have served as the responsible custodian of the property’s heritage character, contextual setting and community significance.

I write not only as a neighbour affected by this proposal, but as the long-term steward of one of Mosman’s most recognisable and historically significant residences. The Tower House and the Redan Street precinct exist within the same heritage landscape. What is proposed at 40–48 Redan Street would not damage a single building in isolation – it would alter, permanently and irreversibly, the character of an entire precinct of which my property is a part.

I have watched Mosman change over more than five decades. I have seen good development and poor development. I have supported change where it was proportionate and respectful. What is proposed here is neither. It is the product of a planning process that has been systematically manipulated to extract the maximum possible height and density from a heritage site, in exchange for the minimum possible community benefit.

The permanent destruction of a heritage precinct – any heritage precinct – cannot be justified by eleven bedsits available at below-market rent for fifteen years. I ask the Panel to refuse this application.

II The Proposal and Its Planning Mechanism

WHAT IS BEING PROPOSED

The applicant seeks approval for a 12-storey residential building (10 storeys above ground plus two basement levels of car parking) comprising 53 apartments at 40–48 Redan Street, Mosman. The site is located within a locally and State-significant Federation-era residential precinct. The proposed building height is approximately five times the maximum permitted under the Mosman Local Environmental Plan.

HOW A BUILDING FIVE TIMES THE PERMITTED HEIGHT GETS APPROVED

The applicant has not identified a single planning mechanism to justify this height. It has identified every mechanism available and applied them simultaneously:

- ▶ The Low and Mid-Rise Housing SEPP – unlocking increased height and density near town centres
- ▶ A 30% bonus height uplift under the infill affordable housing incentive provisions
- ▶ A Clause 4.6 variation – to exceed the height that results even after both of the above are applied
- ▶ The State Significant Development pathway – removing the application from local council assessment entirely

This stacking of mechanisms is not accidental. It is the architecture of the application. The affordable housing component is the mechanism that makes the combination legally available. Without it, the 30% bonus does not apply and the SSD pathway is unavailable at this scale. Affordable housing is not the purpose of this development. It is the price of entry to the planning bonuses the applicant requires.

The most telling fact 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 necessary. This application does not operate within the planning system. It exhausts the planning system and then asks for more.

iii Heritage Impact: A Custodian's Perspective

THE HERITAGE CHARACTER OF THIS PRECINCT

I have lived within this heritage landscape for over fifty-five years. I have watched the Federation dwellings of Redan Street and the surrounding streetscape endure through many decades of development pressure. Their survival to this point reflects the cumulative effect of generations of careful planning decisions – decisions that recognised the ensemble value of the precinct and protected it accordingly.

The site itself comprises a group of early 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 recognised 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.

These buildings are not significant in isolation. Their significance derives from the ensemble: the coherent low-rise scale, the relationship between buildings and the topography, the visual continuity of a streetscape that has been protected through many decades of development pressure. My own property – the Tower House – is part of the same heritage landscape. What is done to the setting of one affects the integrity of the whole.

WHAT A 10-STOREY BUILDING DOES TO A LOW-RISE HERITAGE PRECINCT

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. This is not a design problem that setbacks, articulation or podium treatment can resolve. No architectural measure reduces the height of the building or the visual dominance that height produces.

The loss is not merely visual. It is a loss of heritage meaning – the quality that makes this place legible as a place. Once that legibility is broken, it cannot be restored. The Land and Environment Court recognised this in ‘Project Venture Developments v Pittwater Council’ (new development must not dominate or overwhelm heritage items) and in ‘Corkery v Sutherland Shire Council’ (heritage significance extends to setting, spatial relationships and context, not merely physical fabric). This proposal is irreconcilable with both principles.

From the Tower House, I have watched this precinct endure for over half a century. I ask the Panel not to allow it to be permanently altered in a single consent decision.

IV Scenic Protection Area

A Scenic Protection Area (SPA) boundary runs through this site. This is a primary planning constraint, not a secondary consideration. The SPA exists because a considered and deliberate planning judgment was made that this part of Mosman – elevated, topographically prominent, and visually connected to the Balmoral foreshore and surrounding ridgelines – requires protection from development that would read as visually dominant or intrusive.

The framework is designed to protect the landscape character of the locality, prevent dominant or intrusive built forms, preserve coastal, harbour and topographic views, and require built form to respond to topography and landscape setting. The proposed development conflicts with every one of these purposes.

The site's elevated topography does not limit the building's visual impact – it amplifies it, extending the tower's presence beyond the immediate streetscape to the Balmoral foreshore, surrounding ridgelines and the streets of Mosman that overlook this part of the suburb. From multiple public vantage points, this building will be conspicuous, intrusive and dominant.

The SPA conflict reinforces rather than duplicates the heritage impact. The low-rise scale, strong relationship to topography and visual coherence of the streetscape are simultaneously the basis of the precinct's heritage significance and its scenic value. This proposal undermines both in a single decision. It should be given substantial weight against approval under s.4.15(a) and s.4.15(e), and constitutes an independent basis for refusal.

v **Solar Access: Total Loss, Not Partial Overshadowing**

The overshadowing impact of this proposal has been described elsewhere as leaving affected properties in shadow “in the morning” on 21 June. I must be precise about what the shadow diagrams actually demonstrate, because the language of ‘morning shadow’ understates the severity of the impact.

On 21 June – the winter solstice, the worst solar access day of the year – properties at 77A, 77B and 77C Redan Lane will experience total solar loss from early morning. They will receive no direct sunlight in the morning. Solar access at midday is minimal. By mid-afternoon, these properties are in full shadow once more. There is no period of the day on 21 June in which these properties receive meaningful direct sunlight.

This is not overshadowing. It is the effective elimination of solar access for an entire day, on the worst day of the year, for permanently occupied residences. It is unacceptable by any reasonable standard of residential amenity.

The significance of this impact should not be minimised by describing it as ‘morning shadow’ or ‘intermittent overshadowing’. The sun rises in the north-east in mid-winter and tracks low across the northern sky. A 10-storey building on the northern side of these properties does not create morning shadow and afternoon sun. It creates near-total shadow for the entire day. The technical documentation supports this, and the Panel should assess it on that basis.

Solar access is not a minor planning consideration. It is fundamental to the liveability, health and wellbeing of residents, to the habitability of their homes, and to the functioning of their private outdoor spaces. Permanent, near-total loss of solar access on the shortest day of the year is a severe and unacceptable impact.

VI View Loss

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 or peripheral glimpses. They are the defining outlooks of these homes. They contribute materially to how residents experience daily life, to the character and liveability of the neighbourhood, and to the established residential amenity of the area.

The proposed building will replace those views with a 10-storey building mass. Open sky will become tower façade. Harbour glimpses will become roofline. The sense of openness that characterises this part of Mosman – the relationship between low-rise buildings, sky and water – will be replaced by enclosure.

The applicant characterises this impact as blocking only “open sky.” That framing is misleading. In a low-rise neighbourhood where sky views and harbour glimpses are defining characteristics of residential amenity, the loss of those qualities is not neutral. It produces increased enclosure, psychological weight, and a permanent diminution of how affected residents are able to live in their own homes.

The principle established in ‘Tenacity Consulting v Warringah’ requires view loss to be assessed on the basis of reasonableness. The loss here is not incidental or proportionate to any legitimate planning purpose. It is the direct and foreseeable consequence of a developer choosing to build at five times the permitted height. That choice belongs to the developer. Its permanent consequences should not be borne by the residents of Redan Lane and Muston Street.

VII Privacy

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

Occupants of the proposed building will have clear, unobstructed views into:

- ▶ Primary living areas – lounge rooms, kitchens and dining areas
- ▶ Bedrooms
- ▶ Private outdoor spaces including balconies, terraces and courtyards

Overlooking from an elevated building mass cannot be resolved by fencing, landscaping, privacy screens or modest setback adjustments. These measures are entirely ineffective where the overlooking is elevated, downward-facing and sustained across multiple

storeys. The proposed mitigation measures have been offered as though they address the problem. They do not.

The practical consequence is that residents will be forced to close their blinds and curtains during daylight hours, retreat from outdoor spaces, and reorganise their domestic lives around the permanent presence of a building that looks down upon them. That is not a minor planning impact. It is a permanent and material loss of the ability to live normally in one's own home.

viii **Bulk, Scale and Visual Dominance**

The proposed building is 12 storeys in total, including two basement levels, rising 10 storeys above ground level in a neighbourhood of predominantly single- and two-storey dwellings. The applicant argues that façade articulation, stepping and podium design will reduce its visual impact. This argument should not be accepted by the Panel.

Architectural articulation introduces visual variation in a façade. It does not reduce the height of the building, the mass of the building, or the visual dominance that height and mass produce. The building will still be experienced as large, continuous and overbearing from Redan Street, Redan Lane, Muston Street, Almora Street and from the Balmoral foreshore. Its relationship to neighbouring properties will be one of enclosure and dominance, not contextual response.

The Land and Environment Court addressed this directly in 'Newcastle City Council v White' [2019]: bulk and scale must be assessed by reference to real visual impact, not design intent. The real visual impact of a 10-storey building in a one- and two-storey neighbourhood is not ameliorated by stepping or articulation. It is manifestly unacceptable.

ix **Noise – Construction and Operation**

CONSTRUCTION

The construction of this development requires deep excavation into sandstone, sustained heavy machinery operation, continuous truck movements through constrained local streets, and a construction period measured in years, not months. The narrow geometry of Redan Lane and Muston Street will cause construction noise to reflect and amplify rather than disperse, concentrating it within the residential areas immediately surrounding the site.

For context: the last development on Redan Street was six units. It 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 proportionate construction impact on nearby residents will be substantial, sustained and unavoidable.

PERMANENT OPERATIONAL NOISE

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

x Traffic, Parking and Safety

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

Redan Lane is very narrow and has no footpaths. The affordable housing units are accessed via a separate entrance on Redan Lane – the 'poor door' arrangement. Additional foot traffic, service vehicles and delivery movements directed to this entrance will create real safety risks for pedestrians, cyclists and existing residents who use the lane daily.

The construction phase will effectively close Redan Street to normal residential use for the duration of the works. The last development on Redan Street – six units – took eighteen months and absorbed all on-street parking throughout. This proposal is nine times larger. The disruption will be proportionate. After completion, the permanent traffic impact will be structural and irreversible.

xi Misleading Visual Material

The photomontage package submitted with this application includes hypothetical future buildings – described as 'maximum envelopes' – that do not exist. These phantom buildings are inserted into the visual material to create the impression that the proposed development will sit within a denser future urban context. The technique is designed to normalise the excessive bulk of the proposal by comparison to buildings that have been invented for this purpose.

The correct baseline for assessment is the neighbourhood as it exists today, not a hypothetical future neighbourhood that the applicant prefers. The photomontages misrepresent the existing context, create a false basis for comparative assessment, and should be given limited weight by the Panel.

The repeated characterisation of the proposal's impact as blocking only "open sky" is separately misleading. The loss of open sky in a low-rise neighbourhood where sky views and harbour glimpses define residential character is a real and significant planning impact. It is not a neutral or inconsequential outcome. The Panel should not accept that framing.

xii **Community Consultation**

The applicant claims to have distributed 1,676 postcards to immediate neighbours. The number of households in the immediate catchment is approximately 50–100. No resident of Redan Street I am aware of received one. Most residents learned of the proposal through contact from the Department of Planning rather than from the developer. Where postcards did appear, they arrived in nearby streets – not the immediately affected ones – 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, this is not a consultation outcome. It is the statistical consequence of a consultation process designed to minimise participation.

When Mosman Council met the developer in January 2026 and raised specific concerns about scale, heritage, traffic and stormwater, each concern received the same 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 the form of consultation without its substance.

xiii **The Affordable Housing Argument Examined**

WHAT IS ACTUALLY BEING DELIVERED

The proposal includes 11 affordable units out of 53 total dwellings – approximately 21%. Of those, 8 are bedsits located along Redan Lane at the rear of the site, in the least desirable positions in the building. The remaining 3 are described as 'executive affordable' units. The other 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 entry price to the planning bonuses that make the development viable. That distinction matters. A

provision designed to deliver genuine housing diversity is being used as a planning lever, not as a housing outcome.

SEGREGATION BY DESIGN

The market apartments are accessed from Redan Street – the primary frontage. The affordable units are accessed from a separate entrance on Redan Lane – the back lane. This ‘poor door’ configuration is not a coincidence of site geometry. It is a deliberate design decision that separates residents by income at the point of entry, excludes affordable residents from the common areas and community of the market building, and encodes social inequality into the physical fabric of the development.

Affordable housing policy exists to create socially integrated, mixed-income communities. This design is antithetical to that purpose. It uses the policy as a planning mechanism while actively undermining its intent.

TEMPORARY IN DURATION, PERMANENT IN IMPACT

The affordable housing obligation applies for 15 years. After that, the units revert to market housing. The community receives a time-limited benefit. The development’s impacts – heritage damage, view loss, overshadowing, privacy loss, noise, traffic – are permanent.

The Panel must weigh this trade-off with clear eyes. Permanent, irreversible harm to an established heritage precinct cannot be offset by a 15-year obligation that expires within the lifetime of the building.

xiv Summary of Impacts and Recommendation

The impacts of this proposal are catalogued in the table below. Each represents a permanent or long-term consequence for the community. Together, they constitute a cumulative harm that is severe, interrelated and irremediable by conditions or design modification.

IMPACT	DESCRIPTION
Heritage	Federation precinct permanently overwhelmed – Tower House setting and visual context irreversibly altered
Scenic	Scenic Protection Area controls violated – elevated topography amplifies visual intrusion across the wider landscape
Views	Iconic views to Manly, North Head, South Head and Middle Harbour eliminated for properties on Redan Lane, Muston Street and Almora Street

Solar access	Total solar loss from early morning on 21 June for 77A, 77B and 77C Redan Lane – not partial overshadowing, but near-complete loss throughout the day
Privacy	Close-range elevated overlooking into living rooms, bedrooms and private outdoor spaces – permanent and irremediable
Noise	Multi-year construction disruption followed by permanent canyon-effect acoustic environment along Redan Lane
Traffic	Structural parking overflow and construction access impacts on a narrow local road network – nine times the scale of the last Redan Street development
Affordable housing	Time-limited (15 years), segregated, rear-access 'poor door' configuration for 11 bedsits – used to unlock planning bonuses, not to deliver genuine housing diversity

The fundamental problem is not the design of the building. It is the scale. The scale is a direct consequence of an application that has been engineered to extract the maximum permissible height and bulk from the site using every available State-level incentive mechanism, with affordable housing as the unlocking device.

The applicant will argue that the planning framework permits this outcome. Technical compliance with stacked incentive provisions does not, however, establish that a proposal is in the public interest. The Panel's obligation under s.4.15 of the 'Environmental Planning and Assessment Act 1979' is to assess the merits of the proposal in its entirety, including its public interest. A proposal that delivers permanent, irreversible harm to a significant heritage precinct in exchange for a temporary, segregated and quantitatively minor affordable housing benefit is not in the public interest.

The Panel should refuse this application. The cumulative impacts on heritage, scenic character, solar access, views, privacy, noise and traffic are severe, permanent and irremediable – and they are not offset by the affordable housing component, which is temporary, segregated and minimal in scale.

Formal Position

Having regard to section 4.15 of the 'Environmental Planning and Assessment Act 1979' – and in particular to s.4.15(a) (consistency with applicable planning instruments, including the Scenic Protection Area controls and heritage provisions of the Mosman LEP), s.4.15(b) (likely impacts on the natural and built environment), and s.4.15(e) (the public interest) – I submit that this proposal fails on multiple independent grounds, each of which weighs heavily against approval.

The proposal should be refused.

Yours faithfully

Judy Hodgson

2 Moruben Road, Mosman NSW 2088

Owner and resident since 1970 – the Tower House / Castle (heritage-listed)