

SUBMISSION IN OBJECTION

State Significant Development Application 40–48 Redan Street, Mosman NSW

1. Introduction

This submission objects to the proposed development at 40–48 Redan Street on the basis that it is inconsistent with the applicable planning framework, fails to satisfy statutory tests, and will result in unacceptable and irreversible impacts on heritage, scenic character, and local amenity.

The proposal relies on an aggregation of concessions to achieve a scale of development that would not otherwise be permissible and is not supported on planning merit.

2. Misapplication of the Low and Mid-Rise Housing Policy

The Low and Mid-Rise Housing Policy is expressly directed toward “missing middle” housing, consistently defined by the Department as development in the range of 2–6 storeys.

A 12-storey development is plainly outside the scope and intent of that policy.

The proposal relies on the cumulative application of multiple concessions—affordable housing uplift, Clause 4.6 variation, and the State Significant Development pathway.

Notwithstanding this, the development remains non-compliant and requires a Clause 4.6 variation.

This is compelling evidence that the proposal exceeds the planning framework even at its most permissive.

3. Failure to Satisfy Clause 4.6 Legal Tests

Clause 4.6 requires the demonstration of sufficient environmental planning grounds that are specific to the site to justify contravention of development standards.

The Land and Environment Court has consistently confirmed that generalised public benefit is insufficient (*Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118; *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90).

No such site-specific grounds are established in this case. The variation is therefore not legally justified.

4. Heritage Impacts

Redan Street is a designated Heritage Road, with a heritage-listed verge, and the subject site is directly adjacent to heritage-listed properties at Nos. 36 and 38.

The development is therefore situated within a highly sensitive and constrained heritage context.

The proposed scale, bulk and form are incompatible with this setting and will result in unacceptable impacts on the heritage significance of the locality.

5. Scenic Protection Area Non-Compliance

The site is located within a Scenic Protection Area, which carries enforceable statutory weight.

Development within such areas must not compromise protected scenic values.

The proposed twin 12-storey towers will be prominently visible from Balmoral Beach, the harbour foreshore, and surrounding streets. The proponent's own Visual Impact Assessment confirms material visual impacts.

Approval in these circumstances would be contrary to the applicable planning controls and therefore unlawful.

6. Failure of Proportionality

Established planning principles require that any uplift in development capacity be proportionate to the public benefit delivered.

The permanent impacts of a 12-storey development are sought to be justified by the provision of 11 affordable dwellings for a limited 15-year period.

This is manifestly disproportionate.

The predominance of large, high-value apartments demonstrates that the development is fundamentally a prestige residential project, with the affordable housing component functioning only as a mechanism to secure otherwise prohibited height and density.

7. Inadequate Community Consultation

The proponent has failed to undertake genuine or meaningful community consultation.

Directly affected residents were not properly notified, and opportunities for participation were limited and inadequately communicated.

Mosman Council's detailed concerns were met with a generic and non-responsive statement, lacking any substantive engagement.

The limited consultation outcomes cannot reasonably be relied upon as evidence of community awareness or support.

8. Excavation and Structural Risk

There is a documented history of excavation-related damage to properties in Redan Street. The proposed development involves excavation on an unprecedented scale, including two basement levels across a substantial footprint.

The Environmental Impact Statement fails to adequately address the risks to adjoining properties, particularly heritage dwellings, and does not include enforceable commitments regarding monitoring, pre-construction condition surveys, or liability.

Approval would expose neighbouring properties to foreseeable and unacceptable risk.

9. Social Segregation and Design Integrity

The proposal incorporates separate access arrangements for affordable housing residents via a rear laneway, physically segregating occupants within the same development.

This approach is inconsistent with principles of equitable and integrated housing and indicates that the affordable housing component is being treated as a compliance mechanism rather than a genuine planning objective.

10. Absence of Evidence of Genuine Affordability

The justification for the proposed uplift relies entirely on the provision of affordable housing. However, no financial modelling has been provided to demonstrate that the proposed dwellings will be affordable to households in housing stress.

In the absence of evidence as to rents, eligibility criteria, and target cohorts, the claimed public benefit is speculative and cannot lawfully justify the extent of the proposed variation.

11. Traffic, Parking and Access Impacts

The proposed parking provision is inadequate for a development of this scale and will result in overflow parking in surrounding streets.

Construction impacts will be prolonged and severe, significantly disrupting access to Redan Street.

Post-completion, traffic impacts will be permanent and will materially diminish the amenity and functioning of the local road network.

12. Conclusion

For the reasons set out above, the proposed development:

- Is inconsistent with the intent of the Low and Mid-Rise Housing Policy
- Fails to satisfy the statutory requirements of Clause 4.6
- Will result in unacceptable heritage and scenic impacts
- Delivers a public benefit that is manifestly disproportionate to the uplift sought
- Has not been subject to adequate community consultation
- Creates unacceptable risks and impacts in relation to excavation, traffic, and amenity

Accordingly, the application should be **refused**.