

Robyn Brewer
69A Muston Street
Mosman NSW 2088
30 March 2026

Edwina Ross
Senior Planning Officer
Department of Planning, Housing and Infrastructure

Dear Miss Ross

Subject: Development Application No. SSD-93020230, 40 - 48 Redan Street, Mosman

For the reasons set out below, I object strongly to this development proposal. This application should not be approved.

SUMMARY OF REASONS FOR OBJECTION

- The proposal is totally inconsistent with the ongoing progressive, sympathetic development of the area, breaches planning controls and would be severely detrimental for adjacent residents and the wider community.
- The development site is not within 400 metres safe walking distance from the town centre, and the proposal has therefore been based on a height that is not permitted under the LMR policy.
- The claim for 30% bonus height under the affordable housing policy should not be granted because of the inferior and inadequate amenity of the 'affordable' accommodation.
- The proposed building height exceeds the permissible maximum, even for the 'inner' LMR area with a 30% bonus for affordable housing. This exceedance would exacerbate all the negative impacts and should not be approved.
- Community engagement has been cursory, selective and inadequate.
- The proposed setbacks do not comply with the relevant planning controls and are completely inadequate. If constructed, the proposed multi-storey building will severely degrade the existing landscaped character of the area.
- The proposal fails to respond appropriately or enhance the natural features or built environment of the area. Its bulk, height and scale would visually dominate the streetscape and disrupt the harmony of the views from the harbour and foreshores. It is totally unsuitable for the proposed location.
- The proposal does not comply with any of the objectives of the Mosman Scenic Protection Area, which apply to the eastern part of every lot included in the site.
- The desired future character of the area is expressed in current local planning instruments. The developer's assumption that it is 'desired' to replace the current built environment with multi-storey apartment blocks has not been tested with the community or endorsed by any planning authority, nor has the adequacy of local infrastructure to support it been confirmed.
- The proposed new multi-storey building would severely reduce solar access in the indoor and outdoor living areas of current residents in Muston Street, badly affecting their current lifestyles. The proposed additional non-compliant height noticeably increases the negative effects.

- The proposed development will completely eliminate privacy from the main living areas of residents on the eastern side of Muston Street, preventing them from enjoying their current way of life.
- The view loss impact for many homes to the west of the development is rated as 'devastating' but this is dismissed as irrelevant due to the 'public benefit' of providing 11 affordable dwellings. The additional impact of the height non-compliance is discounted, apparently because it is said only to affect views of open sky.
- The development will not provide good natural ventilation for all units and will significantly block many neighbours to the west from access to the north-easterly sea breeze.
- The proposed landscaping is not in keeping with the character of the streetscape and may not sustain the flocks of native birds that currently frequent Redan Street and Redan Lane.
- Mosman is a poor choice for 'affordable housing' in terms of access to public transport, since the area is serviced only by buses, the main arteries are among the most congested in Sydney and there is no prospect that the situation will improve in the foreseeable future.
- The vehicular traffic generated by an additional 53 dwellings will worsen the existing traffic flow problems in the local area.
- Redan Lane is unsafe for walking and unsuitable for use as the primary pedestrian access to the building.
- The development would irrevocably destroy what is currently a harmonious streetscape with historical and aesthetic value, including destroying an unspecified section of a heritage sandstone wall that is recognised as contributing to the special character of the local area.
- The impacts on me personally will be insupportable, including a devastating loss of views; loss of access to sunlight, daylight and privacy; a major financial loss; and a nightmare construction period involving years of noise, vibration, dust, dirt and disruption.
- It would be inappropriate and potentially damaging to the local environment and community to construct this incongruous, over-sized development in a scenic location of such intrinsic value when Mosman Council is in the process of developing a strategic plan designed to provide for the additional housing requested under the LMR policy and still maintain its long-standing planning objectives.
- This proposed development massively exceeds the maximum height permitted under the applicable policies, fails to comply with applicable planning controls and is completely unsuitable for the proposed location.

SUBMISSION

1. DEVELOPMENT CONTEXT

For many years, Mosman Council has carefully managed development in an orderly way that preserves and protects the unique natural and built environment of the area. Council's Local Environmental Plan (LEP) and Development Control Plan (DCP) have underpinned an effective, transparent and harmonised system which enables residents, purchasers and developers to make sound decisions about property matters. The system is supported by the NSW State government through a legislative framework that endorses the Mosman LEP.

In certain defined areas, the State government's Low and Mid Rise Housing (LMR) policy has replaced the pre-existing local planning controls in relation to building heights and floor space ratios (FSRs). However, the LMR policy states explicitly that 'all other existing provisions in SEPPs, Local Environment Plans (LEPs) and Development Control Plans (DCPs) will continue to be relevant matters for consideration in the merit assessment of development applications' [emphasis added]. I understand this to mean that the requirements of NSW government's Apartment Design Guide (ADG) and the Council's LEP and DCP must be considered in assessing any development application.

In addition to the increased heights permitted under the LMR policy, the State government has implemented a separate policy under its Housing SEPP that allows a 20-30% 'bonus' FSR and building height if the project includes at least 10-15% of gross floor area as 'affordable housing' for a period of 15 years. The combination of these two independent provisions significantly increases the permissible height of buildings in the LMR area. It utterly derails the development trajectory in areas like the one affected by this development, where the existing streetscape consists mainly of low-rise homes fronted by established gardens.

Development Controls

The NSW government's ADG seeks to deliver buildings that 'respond appropriately to the character of the area, landscape setting and surrounding built form' and to 'improve the relationship of apartments to the public domain'.

Council's planning controls also seek to ensure development takes into account the character of the municipality. Key aims are to:

- protect and conserve the natural and built heritage of Mosman
- sensitively manage the desired future character of Mosman
- enhance and protect the scenic amenity of Sydney and Middle Harbours
- minimise view loss to and from water and foreshore reserves, public areas, streets and residential allotments
- limit potential for large bulky dwelling houses and encourage leafy garden character
- manage change in a way that ensures ... the needs and aspirations of the community are recognised

I note that the State government's LMR policy is silent on all these matters and on the 'desired future character' of areas to which it applies, except to confirm that existing local planning controls are relevant matters for consideration. The Minister for Planning wrote to Mosman Council on 17 July 2025 confirming that provisions of the LEP relating to the designated Scenic Protection Area on the slopes above Balmoral 'remain applicable and must be considered in the assessment' of development applications.

The proposed development is totally inconsistent with the ongoing progressive, sympathetic development currently under way in the area. The proposal exploits the new building FSR limit permitted under the LMR policy, but fails to fulfil the principles of the ADG or comply with important, longstanding planning objectives. If the development were approved, it would be severely detrimental for adjacent residents and the wider community.

2. APPLICATION OF THE DEFINED LMR AREA

Legislative context

Under the LMR policy, new mid-rise developments within a safe walking distance of 400 metres from an identified 'town centre' are permitted to be a maximum of 6 storeys high, with a maximum height of 22 metres and a maximum FSR of 2.2:1. If the proposed site is between 400 and 800 metres from an identified town centre, the maximum number of storeys is 4, the maximum height is 17.5 metres and the maximum FSR is 1.5:1.

The intention is clearly to effect a transition between higher buildings near the town centre and existing low-rise housing areas some distance away.

The policy states that walking distance 'means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings'.

The developer says the north west corner of the proposed development site is 372.5 metres walking distance from the 'town centre'. However, the route adopted includes approximately 84 metres along Redan Lane and 45 metres along Melaleuca Lane. Neither of these has a pedestrian footpath and both are unsafe to walk along, particularly for anyone encumbered, for example, by heavy shopping bags, a stroller or small children. The proposed route ends at the rear of the current Country Road premises, from which there is also no safe walking route to any shops or public transport.

The photographs below show Redan Lane and Melaleuca Lane.



Photograph of Redan Lane at the Upper Almora Street intersection. There are almost always cars parked at the entrance to the lane, so entering traffic has to use the right side of the sealed surface.

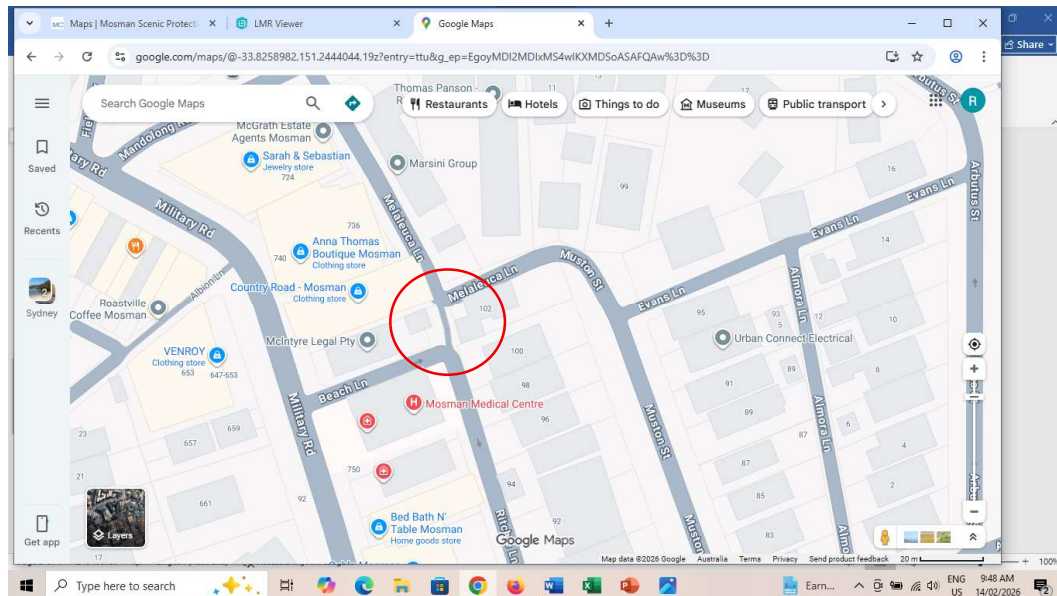


Photograph of Melaleuca Lane at the end of Muston Street. There is no path on the right and the kerb area on the left is not wide enough for pedestrians to walk along it. If a car comes, they need to turn sideways and step back.

Redan Lane has no provision for pedestrian access. I regularly drive to my home via Redan Lane and am well aware of how narrow it is, how much traffic already uses the lane, and how unsafe and unsuitable it is for pedestrians. It is not designated as a 'shared zone' as suggested by the developer, and nor should it be, due to the obvious safety risks.

I note that the 'town centre' identified in the LMR policy is shown as extending east to the back of the premises occupied by the Country Road shop. However, it makes no sense to consider this point the end of a route to the town centre. There is no safe walking route from this point to either retail areas or a transport hub.

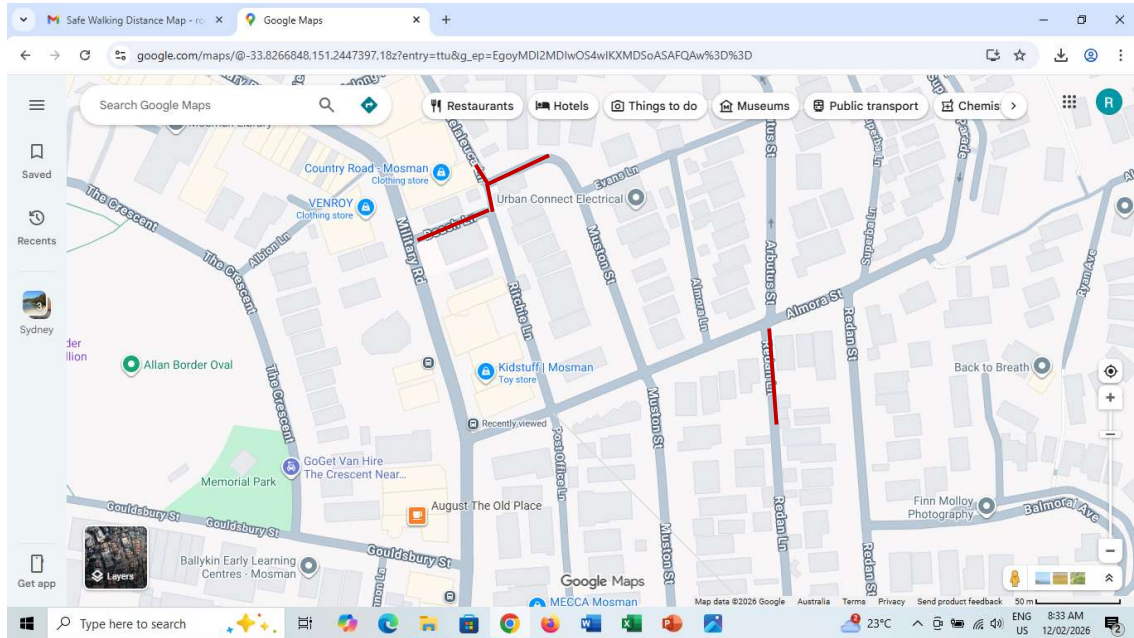
Immediately to the south of this corner of the mapped 'town centre' there is a narrow paved section of roadway incorporating a bike path. It does not provide a safe route for pedestrians walking between Melaleuca Lane and Beach Lane of Ritchie Lane. It is clear from the Google maps excerpt below that it is not a full vehicle/pedestrian route. On the map, it does not even merit a name.



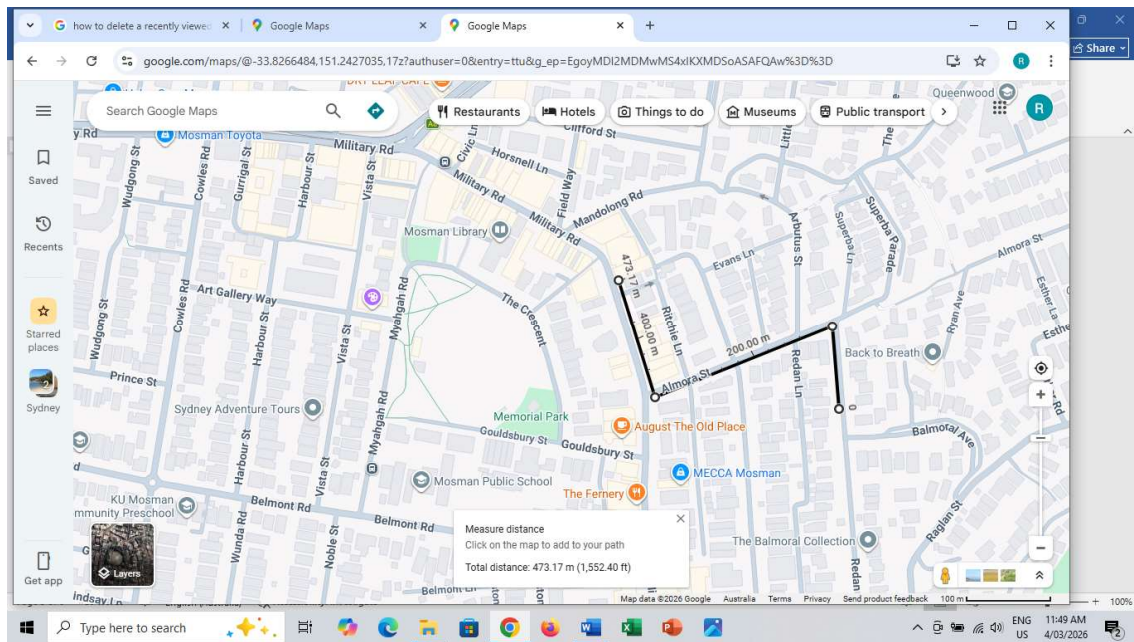
Beach Lane, which runs between the shopping strip on Military Road and the south-east corner of the designated 'town centre', does not have a usable footpath and is unsafe for pedestrians. It is therefore not possible to reach the Mosman village area safely from the rear of Country Road.

I note that Melaleuca Lane is identified in Section 6.7 of the Mosman DCP as part of a lane widening program intended to provide adequate vehicular and/or pedestrian access. The DCP states that 'when development is proposed on land affected by Council's lane widening program, Council will seek to have a portion of the land dedicated ... to Council for the purpose of widening the lane or accessway.' Melaleuca Lane requires widening for the safe passage of pedestrians, but there is no timetable for the work and no guarantee that it will occur in the future.

The Google maps excerpt below shows the lanes where it is not safe to walk between the proposed development site in Redan Street and the rear of the Country Road premises, and between that point and the actual Mosman village area.



Using Google Maps, I have measured the shortest safe pedestrian route to the accessible corner of the 'town centre' from 48 Redan Street (the closest lot to the town centre). The route starts in Redan Street at the north east corner of the lot and proceeds along Redan Street to the corner of Upper Amora Street where it turns west. At the intersection with Military Road, it turns north via a marked pedestrian crossing and follows Military Road to the corner of the Country Road shop. The distance I measured is 473.17 metres.



This is consistent with a surveyed distance of 469.8 metres (Point A to Point D) determined from a physical survey carried out by Sydney Surveyors and included below:



If a resident from the new development were to walk towards the town centre, or a public transport node such as Spit Junction, the route I have described above is the one they would take. It is safe, direct, well-used and offers some shelter from sun or rain. It is essentially the route I take from Muston Street to the town centre or public transport.

The developer’s Urban Design Report identifies pedestrian pathways around the development site, leading to shops, schools, parks and public transport. Significantly, these routes DO NOT include the walking route adopted to claim that the development is within 400 metres of the ‘town centre’.

The proposed development is not within 400 metres safe walking distance of the town centre, and is therefore based on a maximum height not permitted under the LMR policy.

3. AFFORDABLE HOUSING BONUS

Requirements

The NSW Government’s in-fill affordable housing reforms are intended to encourage private developers to include affordable housing in new developments. For a residential flat building, the developer can claim ‘a floor space ratio bonus of 20–30% and a height bonus of 20–30% for projects that include at least 10–15% of gross floor area as affordable housing’. These bonuses are proportional to the affordable housing component.

The developer says the proposed building includes 15% affordable housing, thereby entitling it to a 30% increase in FSR and building height over and above that permitted under the LMR policy. The proposal includes 11 ‘affordable’ dwellings, 8 two-bedroom units at the rear of the property on Redan Lane and three 2-bedroom apartments on level 1. The floors of the living areas of the units on Redan Lane are below the level of the lane. The units run deep into the building and have windows and small balconies only on the west, where there are no views. They will have no solar access and limited daylight due to the height of the existing properties

on the opposite side of the lane. There will be very limited ventilation, since they do not face the north easterly sea breeze and are blocked from westerly winds by houses in Muston Street and from southerly winds by development to the south along Redan Lane. They have small balconies which will be overlooked from the living areas of all the Muston Street properties to their west. Their living areas will have little privacy from traffic passing in Redan Lane, from which they are set back only 2 metres, and they will suffer traffic noise in both their living areas and bedrooms.

The affordable units are accessed via Redan Lane, not from the main entrance on Redan Street. As discussed above, Redan Lane is unsafe for pedestrians, particularly anyone who is not physically fit and agile. The residents of the affordable housing units do not have access to the parking garage except by exiting onto Redan Lane and re-entering the building. In effect, these residents will be treated like second-class citizens, isolated from wealthy owners.

Setting up a two-tier social system within the apartment complex should be unacceptable in our society. The affordable units will be unpleasantly dark, damp and potentially noisy.

The unappealing nature of the affordable housing units highlights that they have been included only in order to claim the additional 30% height and the associated additional floors of extremely profitable, luxury residences which the developer will be able to sell at a premium price. The social inequity is stark and not in accordance with aims of the policy. The additional bonus height should not be granted on the basis of the current design.

4. BUILDING HEIGHT

Requirements

*Because the safe walking distance from the site to the town centre is more than 400 metres, the **maximum** building height permitted under the LMR policy is 17.5 metres and the **maximum** number of storeys is 4. Even with the 30% bonus allowed under the affordable housing policy, the **maximum** permissible building height would be 22.75 metres. The **maximum** number of storeys should be 5.*

Principle 2 of the NSW government's ADG states that good design 'achieves a scale, bulk and height' that are appropriate to the character of the street and surrounding buildings. It recognises that building heights shape the character of a place and identifies topography as a relevant issue in setting building heights. Height controls 'should be informed by decisions about daylight and solar access, ... wind protection, residential amenity and in response to landform and heritage.' In particular, building height should take into account the scale and character of the street and the local area, and the heights of existing buildings that are unlikely to change.

The developer is seeking the maximum available 30% bonus FSR, on the basis that '15% of the GFA is provided as affordable housing'. Since it is also claimed that the development is within the 'inner' LMR area, the developer says the maximum permitted building height is 28.6m. The developer has exceeded this maximum in part of the proposed building by an additional 16.78%. The top of the northern tower block is 33.4 metres high. This is 52% higher than the maximum permitted in the 'inner' LMR area.

The maximum number of storeys permitted in the 'inner' LMR area is six. A 30% increase on this would be 8 storeys (mathematically, 7.8). I do not believe it is 9 storeys as claimed by the developer.

Since the building is NOT actually within 400 metres safe walking distance from the mapped 'town centre', the resulting overrun on the maximum permissible height under the LMR policy is actually 91%. This is an extraordinary exceedance and causes astonishingly significant additional impacts to neighbouring properties and the wider community. The notion that a building of 10 storeys should be allowed in this area where the maximum under the LMR policy would be 4 storeys is preposterous.

Lots 40 and 42 Redan Street are directly to the east of my home. The LMR policy would allow a maximum of four storeys between my apartment and the views to the east. The proposed nine storey apartment tower on these lots will completely destroy my current lifestyle and amenity. The impacts are almost beyond my comprehension.

The developer's Urban Design Report identifies 'opportunities' for seeking approval to additional height 'above LMR bonus height' and details conditions that should be met to warrant that additional height.

The first condition is 'if it does not affect the perception of impact that a compliant building would have and it provides more affordable housing and interior amenity to a higher standard of living for all'. The first part of this condition is incomprehensible. The impact is either greater than a compliant building would have, or it is not. It is not a 'perception'. Exceeding the maximum permissible DOES increase many of the impacts. I also take issue with the concept that the additional height will provide 'a higher standard of living for all'. The exorbitantly expensive units on the highest floors only exist because of a few inferior 'affordable' units on the lowest floors. In addition, existing residents who are badly affected by the development will NOT have 'a higher standard of living'.

A second condition is 'if built form does not create additional overshadowing of neighbouring property primary private open space for 3 hours on 21st June.' While the proposal may meet applicable planning controls, the additional height will decrease the sunlight and daylight available to affected neighbours and further degrade their privacy. The developer may consider this inconsequential, but I object to the additional non-compliant height increasing the negative impact on my living conditions and those of my neighbours.

The third condition is 'if built form does not have significant impact on views to the site from the public domain, including surrounding streets, parklands, Balmoral foreshore and Sydney Harbour.' This is another condition that has not been met. The additional height above and beyond the bonus height DOES increase the visual impact.

It seems to me that the developer is seeking agreement to additional height, over and above the generous bonus available on the LMR limits without due regard for the issues raised in the Urban Design Report.

The justification provided in the Clause 4.6 Variation report is that 'the proposed development is wholly compliant with the FSR standard and therefore the height non compliance will not create a development that is inconsistent with the density of the site or the emerging charter of the area'. This argument should not be accepted. The height limit under the LMR policy is separate to the FSR limit and both are maximums. Neither is mandatory. I consider it unacceptable to subject the community to additional detrimental impacts by trading one limit off against the other. It is absolutely possible for the developer to incorporate 11 affordable housing units in a building that meets the generous 30% bonus height limit and still make an enormous profit. The 42 luxury apartments will likely sell for at least \$15 million each. The total

sale price will therefore be in excess of \$630 million, against an estimated construction cost of around \$106 million. A few less luxury units would reduce the return but the developer would still make a very significant profit.

The height of the proposed apartment block is completely inconsistent with all the design objectives identified in ADG Principle 2. Its unacceptable impacts on the character of the locality, daylight and solar access, residential amenity and heritage are discussed below. The topography of the area makes the height even more unacceptable within the landscape.

The developer assumes that the entire area identified for LMR development will soon be filled with multistorey apartment blocks. This is extremely unlikely. The infrastructure in the local area would constrain such development. In addition, what will happen as a result of the proposed oversized development at 40 - 48 Redan Street is that the lots to the west will become unattractive to developers because the potential for stunning harbour views has been severely reduced. In effect, this development proposal will inhibit infill in the LMR area closer to shops and public transport. I know this because, before this development was proposed, there were two separate developers interested in building an apartment block across several lots on the eastern side of Muston Street. Interest disappeared when the proposal at 40 - 48 Redan Street became known. Similarly, several residents on the western side of Muston Street attempted to sell their lots for development some 18 months ago. They failed to sell, despite having excellent, level access to shops and transport, presumably because developers foresaw the potential for developments to their east to block the available views. The profit margins were not as great as those for developments at the edge of the LMR area, where harbour views are assured.

By taking a prime location on the outskirts of the LMR area, the developer has at least delayed future development to the west and may have sterilised it altogether. The LMR development target will quickly be met in Mosman. The most likely scenario is therefore that a few developments will proceed and that they will remain prominent and stranded within a largely low level residential area. The randomly placed apartment blocks built in the 1970s, which are still eyesores, illustrate the likely outcome.

The proposed building height exceeds the permissible limits and should not be approved; the additional 16.78% in height, over and above the 30% bonus height sought due to the inclusion of affordable housing, is unjustified and will exacerbate all the negative impacts.

5. COMMUNITY ENGAGEMENT

Requirements

The Planning Secretary's Environmental Assessment Requirements (SEARs) require the developer to '[demonstrate] that engagement and consultation activities have been undertaken ... and identify how issues raised, and feedback received have been considered.'

From my personal observation, the community 'engagement' undertaken by the developer has been tokenistic and inadequate. A postcard dropped in my letterbox in late 2025 provided a QR code for access to 'information' about the project. The information was scant, advising only that a development was proposed and giving no details whatsoever. I responded via an online link, saying there was insufficient information for me to provide comments and requesting to be kept informed.

I never heard again from the developer, though I understand that a few local residents were invited to meet with its representatives. The first time I saw any details of the proposed

building was when the documentation was made available to the public on the NSW Planning website on Tuesday 17 March 2026. I have until Monday 30 March to respond. This is an outrageously short timeframe in comparison with the amount of time the developer has had to prepare its submissions and the resources it has available.

The developer notes that issues were raised in relation to the bulk and height of the proposed buildings; visual impacts on the character of the suburb; heritage; environmental impacts; potential loss of views, solar access and privacy; and impacts on already congested traffic flow. The developer claims that it considered and responded to these concerns, implementing 'mitigation measures' 'where necessary'.

The developer has outlined some 'mitigation measures' it plans to implement in response to issues raised through community engagement. Almost all these measures relate to construction management. All are generic statements of intent, and most are qualified, for example by saying the measure 'should be' undertaken or will be done 'where possible'. None of these proposed measures is different from the promises made prior to any construction project. In respect of other issues raised, the developer has essentially dismissed them on the grounds that the negative impacts are all due to its attempt to meet the maximum permissible FSR and provide 11 'affordable' dwellings.

The developer states in the Environmental Impact Statement (EIS) that '[through] the public exhibition phase, there will be further opportunities for community and stakeholders to respond to the proposed development'. Given that affected community members have been given up to 14 days to respond to a comprehensive set of complex technical design documents, accompanied by a multiplicity of voluminous supporting documents, this is an extremely disingenuous statement.

In summary, community engagement has been selective, cursory and inadequate.

6. SETBACKS

Street setbacks

Requirements

The ADG recognises that street setbacks may accommodate front gardens, thereby creating a particular landscape setting for the street. It says setbacks at the street frontage 'contribute to the character of the street', and 'establish the spatial proportions of the street', providing a transition between public and private spaces.

Under ADG Principle 2, appropriate built form for a site takes into account building alignments. The ADG suggests that street setbacks should be aligned with building use, and matching existing development is an appropriate method of determining setback controls. It states that new developments should not interrupt the context and alignments of the streetscape. This is consistent with the requirements of the DCP.

The street setback at the southern end of the proposed development is 8.8 metres. This aligns with the very front of the verandah of the adjacent heritage listed cottage. The developer says this concession allows sunlight to fall onto private spaces at the front of these homes during the morning. However, the proposed greater setback only applies for about 20 metres at the southern end of the site. The majority of the frontage is only set back 3 metres from the boundary. This is significantly closer than the existing setbacks along Redan Street, which are typically around 8.8 metres. The proposed vertical walls at the street frontage are far closer to

the street than other homes, disturbing the pattern of front gardens and failing to provide space for trees along the lengthy façade of the proposed building.

The photomontages in the Visual Impact Assessment (VIA) illustrate just how dominant and incongruous the proposed apartment block will be. It will interrupt the context and alignments of the streetscape and destroy the spatial proportions and character of the street.

Side setbacks

Requirements

The ADG states that side setbacks should 'provide access to light, air and outlook for neighbouring properties'. Further, side setbacks should retain 'a rhythm or pattern of spaces between buildings that define and add character to the streetscape.' Landscaping between buildings should be retained, and setbacks should be used to manage the transition between areas with different heights and land uses.

The minimum building separation for buildings 5 to 8 storeys high (approximately 25 metres) should be:

- *18 m between habitable rooms/balconies*
- *12 m between habitable and non-habitable rooms*
- *9 m between non-habitable rooms*

The ADG also states that building separation may need to be increased to achieve adequate access to sunlight. Building separation is to be increased proportionally to building height to achieve amenity and privacy for building occupants, and 'at the boundary between a change in zone from apartment buildings to a lower density area' building setback from the boundary is to be increased by 3 metres.

The proposed setback from Lot 38 Redan Street, at the south side of the development site, is 2 metres at podium level, immediately adjacent to the heritage listed residence. I note that the top of the podium level is well above the roof of the heritage cottage. The setback increases to 6 metres above podium level.

The development does not comply with the ADG requirement for a 3 metre increase in setback due to a change in zone between apartment buildings and low density areas. The situation here is clearly equivalent, because the heritage listed building on Lots 36 and 38 cannot be developed into apartments. The increased setback should apply at podium level, because of its significant height and verticality in comparison with the heritage cottage.

The current side setback for the single storey house at Lot 40, adjacent to the heritage cottage, is approximately 4 metres, and there is substantial vegetation between the properties. The house currently located on Lot 40 is the same height as the neighbouring cottage, and has a sloping roof, so it has no impact on privacy and very little impact on solar and daylight access for the heritage cottage. The proposed development, being so much higher and set so close to the boundary, will severely affect the sunlight and privacy available to the owners of Lot 38.

The Statutory Compliance Table (p 12) concedes that the side setback at the north of the site fails to comply with the ADG, to the extent that it will affect potential future development of the adjacent land at Lot 50. This should not be accepted.

Rear setbacks

Requirements

The ADG acknowledges that rear setbacks are 'important tools for achieving amenity for new developments and buildings on adjacent sites.' The stated aims of setbacks include providing 'access to light, air and outlook for neighbouring properties' and 'adequate privacy between neighbouring apartments'. The ADG recommends that for infill sites, setbacks 'follow the existing open space patterns'. A specified objective is 'to optimise amenity and privacy for all'.

The proposed rear setback at Redan Lane is 2 metres to the lower levels of the building. This is insufficient allowance for any substantial planting. The balconies at Level 2 protrude into this space, further reducing the potential for plantings. A further setback of 5.5 metres applies to a vertical wall that is up to 28.9 metres above the lane, which presents as the rear face of the proposed apartment block. The rear wall of the building will certainly affect the cross views from neighbouring properties, which have far greater setbacks to their habitable areas. There are no other vertical walls of similar height in the vicinity.

The eastern side of the lane is currently lined with a range of relatively low walls, interrupted by gates and carport doors. The wall height is generally around 2 metres and there is substantial vegetation on both sides of the walls. The western side of the lane is also lined with low walls, broken by vehicular entries with sloping drives and garden areas, which open up the area to daylight and sunlight. The impact of the proposed high vertical wall will make Redan Lane feel oppressive and significantly reduce the available daylight. As can clearly be seen from the photomontages provided in the VIA (Figure 16) the proposed building will destroy the current relatively open, eclectic character of the laneway.

The proposed setbacks do not comply with relevant planning controls and are inadequate to mitigate the impact of the proposed multistorey structure on this currently well vegetated, low-rise residential area.

7. VISUAL IMPACT – GENERAL (STREETSCAPE)

Requirements

Principle 1 of the ADG is that 'good design responds and contributes to its context', including 'the key natural and built features of an area, their relationship and the character they create when combined'. The ADG states that 'new buildings should respond to and enhance the quality and identity of an area.'

Mosman Council's DCP describes the character of the area. It specifically discourages buildings with a bulky appearance, and requires special consideration of external finishes in highly visible areas such as the slopes above Balmoral Beach.

Balmoral Townscape area

The context of the proposed development is the Balmoral Townscape area of Mosman. The local planning controls for this area include limiting 'bulky mega dwelling houses with horizontal emphasis across allotments', ensuring the 'facades of larger dwelling houses are not dominating when viewed from Middle Harbour and neighbouring properties' and avoiding 'excessive excavation across entire allotments, and of rock faces ...'.

Specific requirements designed to enhance the identity of the area include:

- *'maintain the front yard character of Redan Street (west side of road) ...'*
- *'maintain light tree cover and leafy character'*

- *'discourage excessive glazing',*
- *'maintain rock outcrops and cliff faces, and stone kerbs and gutters',*
- *'maintain views to Middle Harbour and foreshore area', and*
- *maintain 'public views between buildings from public walkways and streets ...'*

The developer's VIA correctly identifies that, in the area around the proposed development, 'the dominant surrounding typology is low density single and double storey residential dwellings'. The majority of these are private dwellings and they are 'significantly lower than the proposed development.'

The proposal is neither compatible nor sympathetic with the existing streetscape. It is totally inconsistent with Council's planning objectives for the Balmoral Townscape. It completely fails to respond and contribute to the key natural and built features of the area. It does not maintain the 'front yard character' of the street and proposes to replace the existing light tree cover with low-level vegetation in planter boxes over most of the width of five lots. The amount of glazing will be excessive in comparison to other structures in the area. The sandstone rock outcrop on the street frontage will be partially removed for access to the basement carpark at the northern end, and probably damaged at the southern end for a new major stormwater line. Views towards Middle Harbour and the foreshore will be blocked, including those from public walkways and streets.

Because the proposed building extends across five lots, its width will be far greater than any other structure in the vicinity, drawing attention as a 'bulky mega dwelling'. It will also be far higher than any other building in Redan Street, dominating the street frontage and utterly destroying the integrity of the local urban landscape. It will have a marked adverse impact on the aesthetic appeal of the western side of Redan Street. The effect will be particularly stark because the eastern side of Redan Street is outside the mapped LMR area and will not be developed in similar style.

To maximise access to harbour views for the new residents, the east-facing façade comprises nine or ten levels of balconies and glazing. The landscaping will be low to minimise view loss. The windows and balconies will therefore not be hidden from view, inevitably creating visual incongruity, drawing attention away from the streetscape, the heritage properties and the wider neighbourhood.

From the harbour foreshore, looking up towards the ridge, the structure would protrude high above the general building line. This is evident in the photomontages presented in the VIA. Multiple levels of apartments would form a wall of windows, contrasting starkly with the surrounding environment, which currently comprises roofs, windows and walls of different shapes and colours, softened by a range of different types of vegetation. A proposed mega-scale bulky building high enough to break the ridgeline would detract markedly from views of the slopes above Balmoral Beach, which form part of Mosman's special character. This is totally contrary to the aim of ensuring facades are not dominating when viewed from Middle Harbour.

The developer asserts that it is 'unlikely the proposal will be visible from Sydney Harbour to an extent that would result in any significant or unreasonable visual impacts on the built, natural and visual environment.' This statement is patently untrue, as can be seen from the photomontages in the VIA. I note that the three-storey unit block at 77 Muston Street is currently very visible from Balmoral Beach and the harbour beyond. It is dwarfed by the proposed new structure, which protrudes well above the ridgeline.

The developer concedes that, 'as an early LMR development within this visual context, the building will be visible in isolation and significantly differ in scale to immediately adjacent low density development'. However, it argues that 'the difference in scale will only be experienced in the short term'. It relies on the assumption that other LMR developments will soon be constructed in the immediate area to reduce the visual impact.

The photomontages in the VIA try to show the proposed building in a context where in effect every lot in the vicinity has been built up to a similar height. This is highly unlikely to happen. The LMR policy is seeking 500 additional dwellings in the whole of the Mosman area. This can easily be achieved without developing the whole of the identified area. As discussed in section 19 below, Mosman Council is developing a strategic plan to accommodate the necessary dwellings in a way that is consistent with local planning controls and sympathetic to the local area. If this development proceeds, it is likely to remain an isolated and incongruous monolith within a leafy garden area of predominantly low level, low density residential dwellings.

The architectural style of the proposed building is also incongruous in context. Most of the nearby homes are older style, constructed of brick with pitched roofs. The effect of this development will be to disrupt the harmonious 'rhythm' of the street. It will be particularly jarring because the eastern side of the street is in an area whose residential character will be preserved for the foreseeable future. The visual impact from the harbour and foreshore will never be ameliorated by multi-storey development on the eastern side of the street. The scenic disharmony within the street will therefore remain in perpetuity.

The proposal fails to respond appropriately or enhance the natural features or built environment of the area. Its bulk, height and scale would visually dominate the streetscape and disrupt the harmony of the views from the harbour and foreshores. It is completely unsuitable for the proposed location.

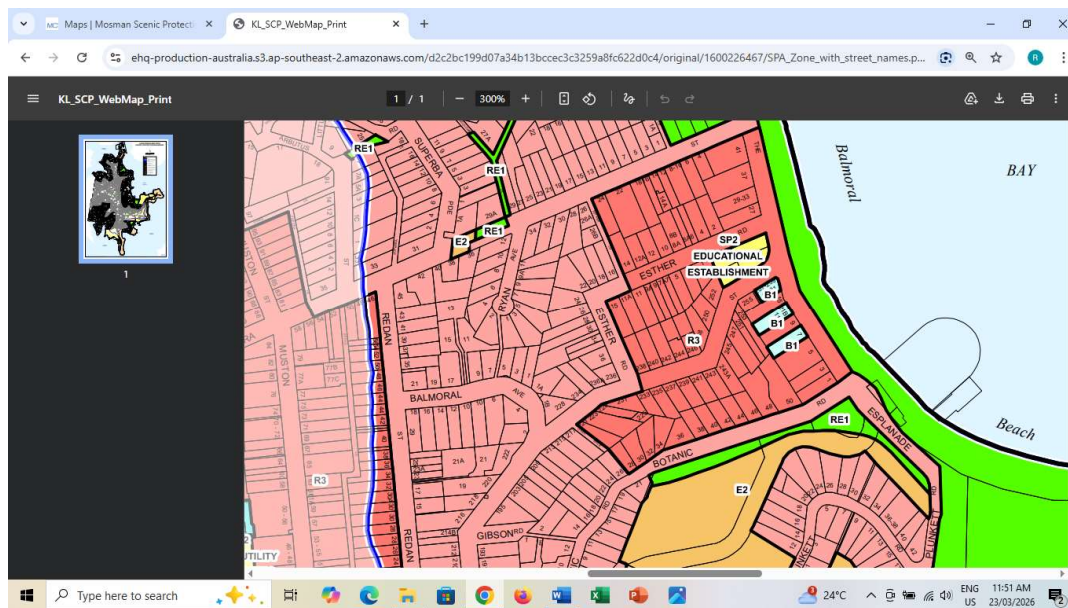
8. MOSMAN SCENIC PROTECTION AREA

Requirements

Specific requirements apply to lots within the declared Mosman Scenic Protection Area under Mosman Council's LEP. The planning objectives for the zone are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To retain the single dwelling character of the environmentally sensitive residential areas of Mosman.*
- *To maintain the general dominance of landscape over built form, particularly on harbour foreshores.*
- *To ensure that sites are of sufficient size to provide for buildings, vehicular and pedestrian access and landscaping and to retain natural topographical features.*
- *To ensure that development is of a height and scale that achieves the desired future character of the area.*
- *To encourage residential development that maintains or enhances local amenity and, in particular, public and private views.*
- *To minimise the adverse effects of bulk and scale of buildings.*

The Scenic Protection Area extends about half way across each of the lots included in this development proposal, as shown on the published map in the screenshot below. The Scenic Protection Area extends from the blue line (the 60-metre height contour) to the harbour.



Mosman Council approached the NSW Minister for Planning in mid 2025 regarding the proposed extent of LMR development, requesting that the R3 medium density residential area on the slopes above Balmoral Beach be excised from the LMR area. This R3 area includes the proposed development site in Redan Street and both sides of Muston Street. The Minister’s response, dated 17 July 2025, indicated that the Department was not considering making local variations to exclude specific sites. However the letter acknowledged Council’s concerns about the significance of the Balmoral scenic environment and confirmed that *clause 6.4 - Scenic Protection* of the Mosman LEP ‘remains applicable and must be considered in the assessment of all development applications’.

The Urban Design Report suggests that ‘the natural boundary to Mosman Scenic Protection Area is more realistically proposed as the centre of Redan Street.’ This is contrary to the Minister’s advice. The Scenic Protection Area applies to the harbour foreshores in general and cannot be relocated in this specific area just to accommodate this developer.

The front sections of all the subject lots are included in the Mosman Scenic Protection Area, so its planning objectives apply to this development.

The proposal fails to achieve any of the objectives of the Scenic Protection Area, because:

- its aesthetic impact is the opposite of ‘low’,
- it does not retain the ‘single dwelling character’ of this environmentally sensitive residential area,
- its built form would dominate the landscape and be prominent from the harbour,
- its height and scale are completely out of character with the area, and
- it would catastrophically disrupt the existing harmonious texture of views visible from the harbour and foreshore.

It also fails to maintain local amenity, including public and private views. For example, a person walking along Muston Street currently catches glimpses of harbour, trees and sky between some of the existing homes. The photographs below, taken from Muston Street, illustrate this. If the proposed development proceeds, these pleasant views will be completely replaced by the vertical wall of an apartment block.



Between No 67 and 69 Muston Street



Between No 75 and 77 Muston Street

In support of the proposal, the developer relies on the application of the LMR policy. The VIA concedes that 'the proposal represents a change from existing, lower scale development' but asserts that it 'aligns with the future desired character for this locality'. As discussed in section 9 below, this is an untested assumption and conflicts directly with the Minister for Planning's acknowledgement that provisions of the Scenic Protection Area still apply. The Scenic Protection Area provisions include a reference to the 'desired future character' of the area and, at this point in time, the desired future character of the area is clearly set out in the objectives themselves.

The VIA notes 'there is intermittent visibility to parts of the proposal from low-lying foreshore areas' but claims that the 'key scenic compositions which underpin the significance and value of the SPA are to the east and do not include the proposed development, and do not impact the scenic quality of Balmoral or the SPA'. This reflects a fundamental misunderstanding of the situation. A key aim of the Scenic Protection Area is to preserve views from the harbour and foreshore, i.e. views FROM the east. The VIA refers to the 'high level visual effects' of the proposal, and the photomontages show how badly the development will damage the views of the 'amphitheatre' above Balmoral. The further east one goes, into the water at Balmoral or onto Middle Harbour, the less 'intermittent' the visibility becomes. Contrary to the developer's claim, I believe the development WOULD result in significant and unreasonable visual impacts on the built, natural and visual environments.

The impacts on private views are discussed in section 10 below. The developer states dispassionately that the impacts will be devastating for most residents who live in Muston Street to the west of the proposed development but claims, in effect, that the developer's

desire to take advantage of the maximum height and FSR permitted under the LMR policy takes precedence over any other consideration.

In short, the eastern part of the site is within the Mosman Scenic Protection Area and the proposal fails to meet any of the objectives for this zone.

9. DESIRED FUTURE CHARACTER OF THE AREA

Requirements

Principle 1 of the ADG is that well designed buildings respond to and enhance the qualities and identity of an area. The ADG confirms that the desired future character of an area is established 'through the strategic planning process in consultation with the community, industry and other key stakeholders.' It stresses that to determine appropriate building types and planning controls, it is crucial to understand the context.

The ADG acknowledges that the desired future character for an area may be to preserve the existing look and feel of an area.

I note that the NSW government's LMR policy simply resets permissible height and FSR limits in 171 areas where it envisages mid-rise development could occur. Its sole objective is to encourage more housing stock to be built in those areas. Further, the LMR policy specifically states that its provisions do not change other planning controls.

The LMR provisions are the same regardless of any local urban or environmental or topographical conditions or constraints. The LMR policy does not give any consideration to the 'character' of any area it affects. It does not take away a community's right to determine the future of its local environment.

In the case of this development, the 'desired future character of the area' is as described in the objectives of the Mosman DCP and the Scenic Protection Area guidelines. It is based on a streetscape with a single dwelling character, incorporating significant landscaping that breaks up the built forms.

In its VIA, the developer has postulated a new character for the area. It has included photomontages that superimpose, over the existing low-rise residential streetscapes, images of assumed future mega apartment blocks similar to the proposed development. This gives a false impression of how jarring the impact of the development would be.

If the surrounding area were filled with bulky eight storey apartment blocks, it would be a significant departure from the existing character of the area and its longstanding, carefully managed development trajectory. It is extremely unlikely to be supported by the community. In addition, there are significant infrastructure constraints that would curtail such development.

The developer's assumptions about the 'desired future character of the area' have not been tested with the community or endorsed by Council. They are unlikely to come to fruition, since they could not be supported by the local infrastructure and are contrary to the longstanding planning objective of protecting and conserving the built heritage of Mosman.

10.SOLAR ACCESS AND DAYLIGHT

Requirements

Principle 4 of the ADG requires consideration of the sustainability of a design, including ventilation and sunlight for amenity and liveability. The ADG acknowledges that a design aim for new apartments should be that 'adequate daylight and solar access is facilitated to apartments, common open space, adjoining properties and the public domain.' It requires that 'at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight ... in mid winter.'

Principle 2 also makes it clear that building heights should specifically be set with regard for solar and daylight access.

The developer's shadow diagrams show that there will be a substantial loss of sunlight for residents to the west and south of the new building. The loss will also be significant in the afternoon for homes on the eastern side of Redan Street. The proposed tall, bulky building will most severely impact residences on the opposite side of Redan Lane, including my own home, all of which have living areas and gardens on the eastern side. This is where we spend our time, because this is where we have access to harbour views, the morning sun and deep soil zones for gardening. The reduction in solar access would be appalling.

At present, I can watch the sun rise from the living room windows in my apartment – which are at the rear of the property, on the eastern side, facing the harbour and the Heads. This means that the sun enters the apartment at 7:00 am in mid-winter. This is the latest time the sun ever strikes our living room windows and floor. The sunlight warms the stone tiled floor throughout the morning, significantly reducing our heating costs and creating a cheerful atmosphere within the main living area, where my husband and I spend our time during the day. The shadow diagrams indicate that in mid winter, if the development goes ahead, our balcony will still be completely in shade at 9:00. By 10:00 am, the sun will be on the balcony, however by that time it will not penetrate far into the apartment. This will not only reduce our direct solar access by three hours but will also markedly reduce the warmth we obtain from direct sunlight. We will need to use more artificial heating. It will also mean we are sitting over breakfast in a noticeably darker and less pleasant environment. The sun does not shine on our easterly windows after 12 noon, so to access direct sunlight, we would have to be outside on the balcony where it can be very cold in winter. The neighbouring property in Muston Street blocks our solar access from the north after midday.

The effect on the established garden at the rear (east) of our property will be significant. It will receive sunlight only between 11:00 am and about 2:30 pm. This reduction will badly affect the health of our plants and encourage the growth of invasive mosses. There is an additional shadow effect caused by the non-compliant height of the proposed building. We currently spend a large amount of time tending the garden, which we find beneficial for our general health and mental well-being. The area will be far less attractive to work in, and far more difficult to cultivate, if this development proceeds.

The heritage listed properties to the south of the proposed development have single-storey street frontages. Despite being set back the same distance as the front of the verandahs of these cottages, the solar diagrams show clearly that in winter, the new building will deprive the northern semi of almost all the sunlight on its north wall and windows. The window in the north wall of the older part of the house at Lot 38 will never receive direct sunlight. Those at the rear will not see the sun until the afternoon, the easterly one by about 2:00 pm. This is a major change from the existing situation, where the sun would shine on these windows for

most of the day. An additional effect will be a reduction in natural warmth within the home, due to the fact that the northern brick wall will not receive any direct sunlight at all.

Sections of Redan Lane that are currently sunny and open will have no sunlight until midday, creating a dark, damp tunnel-like environment that fundamentally changes its character.

In the EIS, the developer says: 'given the proposal delivers a significant public benefit in the form of 11 affordable housing dwellings, the extent of overshadowing is considered acceptable'. I DO NOT consider the trade-off 'acceptable'. The 'public benefit' comprises 11 affordable homes, but there is a substantial associated disbenefit in terms of the overshadowing of neighbours and adjacent public areas. The additional overshadowing that I would suffer is very significant and there are at least 16 other residences that will be deprived of their existing solar access (12 in Muston Street including No's 65, 67, 69B, 71, 73, 75 Muston Street and 4 in Redan Street, including No's 25, 27, 29 and 38).

The developer's claim for a building height variation under Clause 4.6 asserts that 'between 9am – 11am, the area of noncompliance creates minor overshadow on the properties to the west of the site on Redan Lane. The shadow is primarily cast to the rear of these properties. Solar access is maintained from 11am onwards to ensure the properties receive the required amount of solar access. Accordingly, the area of noncompliance will not impact on solar amenity of these properties.' This is completely incorrect and shows absolutely no appreciation of local conditions, where the 'rear' of all the properties on the eastern side of Muston Street is their living area. It ignores the catastrophic change some people will suffer in comparison with their existing situation.

The additional overshadowing caused by failing to comply with the maximum permissible building height causes an extra reduction in solar access that would not exist if the development was compliant. The development should not exceed the height permitted by the applicable policies.

In my case, the original LMR as it applied to the lots directly to the east of my property should have allowed a building height of 17.5 metres. The developer has erroneously claimed the site as a whole is within 400 metres walking distance of the town centre and that the permissible height is 22 metres. The developer has added a 30% bonus height to that for 'affordable housing', and then claimed an additional 16.78% in order to maximise its profit margin. The cumulative effect of these height increases results in an utterly devastating degree of overshadowing of my property, and makes my current way of life unsustainable. The developer seems to have adopted the attitude that it cannot provide the benefit of 11 additional affordable dwellings unless it is permitted to breach the permissible limits. I would argue that this is a false premise.

The proposed new multi-storey building would severely reduce solar access in the indoor and outdoor living areas of residents in Muston Street, making our current lifestyles impossible to maintain. The effect on the rear garden areas would be to inhibit plant growth and encourage damp and moss. The additional non-compliant height sought by the developer noticeably increases the negative effects.

11. VISUAL PRIVACY

Requirements

The ADG requires that separation between buildings be designed to ensure private open spaces have useable space with adequate sunlight and privacy. It recognises the importance of allowing residents on adjacent properties 'to use their private spaces without being overlooked', taking into account the uses to which those spaces are put.

Section 5.7 of the DCP adds requirements to the effect that habitable room windows with a direct sightline into adjacent dwellings require special treatment, and balconies, terraces and outdoor spaces must not directly overlook rooms and private landscaped areas of adjacent properties.

The proposed development presents a wide façade of balconies and windows facing the harbour view to the east. Most of the living areas in the new apartment block will naturally be located on the eastern side, and the residents will spend much of their free time there. Because of their height, they will overlook the street frontages and entrances of homes on the eastern side of Redan Street, reducing the privacy they currently enjoy.

The proposed development is far taller than the heritage properties to the south on Redan Street, so it will unpleasantly overlook these neighbouring homes. The privacy they currently enjoy will be significantly reduced. The proposal also includes balconies on the western side that directly overlook the primary living spaces, balconies and private outdoor areas of properties on the eastern side of Muston Street. The importance of these residents being able to enjoy privacy in their primary living and entertaining areas has been dismissed. Conversely, the living and outdoor areas of the affordable housing units will be overlooked from many balconies and living areas of homes in Muston Street, which is equally undesirable.

I personally will no longer have privacy on my balcony or in the living area in my apartment, where I spend my time during the day and where I entertain friends. At present, my living areas and balconies are not overlooked and have a clear vista to the harbour in the east. If this development proceeds, I will be looking across a narrow lane at a wall of windows and a few balconies. Residents in the new building will potentially overlook my private indoor and outdoor living areas at any time of the night or day. The garden area to the east of my property, where currently I have almost complete privacy and where I spend large periods of 'quality' time, will also be overlooked by many levels of windows and potentially a few balconies. The negative impact on my life will be incalculable.

The proposed development will completely eliminate the privacy available in the living areas of residents on the eastern side of Muston Street and hamper our ability to continue our current way of life.

12. VIEW LOSS AND VIEW SHARING

Requirements

The SEARs require the developer to 'assess amenity impacts on the surrounding locality, including ... view loss and view sharing'. They require the developer to demonstrate 'a high level of environmental amenity for any surrounding residential ... land'.

Principle 5 of the ADG recognises that good design optimises, among other things, 'equitable access [and] respect for neighbours' amenity'. Amenity must include existing views and outlooks.

The planning controls set out in Section 4.3 of Mosman Council DCP aim to protect public views and vistas and minimise view loss from adjoining and adjacent properties. In particular, developments 'must not significantly obstruct views enjoyed from living and entertainment areas of neighbouring properties'. Views warranting protection include water views and iconic views with significant landmarks such as The Heads.

The proposed development would block views towards the harbour from adjacent streets and footpaths (see section 8), and completely obstruct the views from some Muston Street residences. In contravention of the ADG, it does not show respect for the amenity of neighbours or consideration for their existing views.

The homes on the eastern side of Muston Street have living areas facing east across Redan Lane, to take advantage of the iconic views of North and Middle Heads. They have outdoor balconies and entertaining areas. The developer acknowledges in the VIA that the impact would be 'devastating' for people living in Muston Street to the west of the development. However this finding is downplayed in the summary, which says 'The potential impacts for neighbours that are likely to range [sic] from severe to devastating will be limited to a small number of immediate dwellings'. The impact is dismissed on the basis that it only affects a limited number of people and because the 'view loss and impacts for dwellings are caused by fully complying built form'. This claim is presumably based on the FSR, not the height of the building because that is NOT compliant.

The VIA concludes that 'the proposal will not result in significant visual impacts. Residual impacts on surrounding residents are therefore localised and primarily perceptual rather than materially adverse. While some adjoining residents may experience altered outlook or a perceived change in neighbourhood character, these effects are limited in extent. In operation, the development is expected to provide moderate positive outcomes in terms of improved built form quality, landscaping and passive surveillance, contributing to perceptions of safety and activation of the streetscape.'

This is a facile assessment. The view loss for me will not be 'perceptual' but quite devastating (to quote the developer). Our current outlook will not just be 'altered'. It will be completely obstructed. There will also be a massive change in the visual character of the neighbourhood. The effects are not 'limited' except to the extent that this is a single development, albeit one that extends across five lots. I do not agree that the outcomes in terms of built form, landscaping, safety or 'activation of the streetscape' will be in any way enhanced by the development.

The developer claims, in the Clause 4.6 Variation request for additional, non-compliant building height, that 'the area of non-compliance does not block unique compositions, scenic or highly values(sic) views in Tenacity terms but rather block (sic) open areas of sky for immediate neighbours, which is not considered to be of significant impact when considering area of non-compliance.' The claim is that open sky does not represent a 'view.' I disagree. Access to views of the open sky is very important to me. My current outlook has a wide-open feel, with expansive views of the Harbour, the horizon and the sky. Residents like me stand to lose what little we might have been able to see of the sky if a complying development had been proposed, and we will also lose additional sunlight and daylight because of the non-compliance.

The developer's position is that achieving higher density development in the LMR area 'is superlative to the need for retention of all existing views for some affected neighbours.'

As one of the affected neighbours, who will suffer a devastating loss of all my current views of middle harbour, including Middle Head, North Head, the Q Station, Manly, Dobroyd Head and Grotto Point, I find it extraordinarily offensive that my amenity and lifestyle have been so comprehensively disregarded.

The Visual Assessment Report includes a photograph taken in our apartment some 14 years ago. The view has opened up since that time, but no approach was made to us to ascertain the current situation. The photograph below shows the current view towards the east, from just inside our living room doors. From any position out on the balcony, the view extends further in both the northerly and southerly directions



At the moment, we can see the sun and moon rise over the Heads. We see ferries sailing to Manly, cruise ships leaving the Harbour, yachts and other vessels in Middle Harbour and parts of the walkway around Balmoral Beach. The view is framed by trees and the visible roofs have a variety of shapes and colours, interspersed with trees and bushes.

The developer has assessed the impact on our views as 'devastating', but there is no photomontage to show exactly what we would see if the development is constructed as proposed. As I understand it, from inside our main living area we will look at a wall of windows that will extend to a level above the top of the crane in the photograph. The width of the new building will be greater than the width of the view captured in the photograph.

Based on what I can glean from the documentation, the view from inside my apartment will be entirely blocked by the proposed development. The photo on the left below shows the view of harbour, foreshore and sky from well inside our living area, as presented in the VIA. The hatched area on the marked-up version in the second image shows my interpretation of the extent of the 'devastating' view loss. Frankly, there will be no view left at all. All we will see through any of our living room windows is the apartment block wall. Given that we spend most of the day in this east-facing living area, the impact on our lives is impossible for me to contemplate.



*Photograph from inside 69A
Muston Street*



*Photograph marked up to show the extent of
view loss.*

The developer's argument effectively assumes that achieving the maximum height and FSR permitted under the LMR policy are mandatory. This is not the plain English meaning of the words in the LMR policy, which actually says that a consent authority cannot reject a development application on the basis of height and FSR alone, if it complies with the permissible maximums. A developer has latitude to construct a building of less than the maximum height and FSR, allowing the design to take into account the provisions of the local planning controls and enhance the local environment.

I understand, from some cursory research on the Internet, that there is an aspect of 'buyer beware' to the enjoyment of views. However, when my husband and I purchased our property, we knew it was immediately to the west of the designated Scenic Protection Area and within the R3 zone of the Balmoral Townscape. We paid a significant premium for an apartment with an iconic view. The development controls for the area should have protected us from the kind of catastrophic view loss that will result from the proposed apartments at 40 - 48 Redan Street.

The final conclusion of the VIA is that '[a] consequence of the changes is that more residents ... will enjoy access to views of high scenic quality previously held by a few. In this way the new built forms could be considered as fostering future view sharing opportunities.' I find this statement extraordinarily offensive. The developer must be aware of what 'view sharing' means. There are detailed explanations in the Mosman DCP as to how the process should be implemented. What will happen, if this development proceeds, is that the views we and many of our neighbours currently enjoy will be blocked (in effect, appropriated) by the developer and sold for a massive profit. The purchasers of the views will be very wealthy people, not the residents in the 'affordable housing' units. The people who buy apartments in the new complex will NEVER have to 'share' their views with anyone in the future. To the east, between the apartment block and the iconic views, they will ironically have the benefit of restrictions imposed by the Scenic Protection Area, which should prevent their apartments being constructed in the first place.

I am among the worst affected residents identified, but based on the developer's documents, I have counted more than 40 homes that will suffer substantial view loss as a result of this intrusive development.

In short, the developer has dismissed the impacts on the private views of current residents on the basis that achieving higher density development in the LMR area is 'superlative to the need for retention of all existing views for some affected neighbours' and has disregarded the impacts of the non-compliant building height, contrary to the requirements of existing planning controls.

13. VENTILATION

Requirements

Principle 4 of the ADG provides for consideration of sustainability issues, including natural ventilation for the amenity and liveability of residents. It references the effect of ventilation on passive thermal design and the associated reduction in reliance on mechanical cooling systems. New apartments buildings should be sited, configured and oriented to achieve ventilation

These considerations should also apply to the impacts of a development on neighbouring properties and areas.

The construction of a multistorey apartment block over a width of five lots will block the highly valued afternoon sea breeze from dwellings to the west of the proposed structure, depriving residents (including myself) of the relief it provides.

As discussed in section 3 above, most of the affordable housing units provided within the complex will not have adequate natural ventilation. For example, the units situated partially below ground on Redan Lane have windows on only one side and will be blocked from winds and breezes from all directions.

14. LANDSCAPING

Requirements

Principle 5 of the ADG recognises that ‘together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity.’ Good landscape design contributes to the character of the streetscape and neighbourhood. It retains natural features to contribute to solar access, tree canopy and habitat values.

The Balmoral Townscape section of the Mosman DCP includes a specific aim to ‘maintain the front yard character of Redan Street (west side of road) ...’.

Section 4.4 of the DCP aims to protect the ‘canopied and vegetated landscaped character of Mosman’ by retaining existing established trees which contribute to the amenity of the area. It seeks to protect the character of the streetscape by requiring developments to have front gardens with landscaping that contributes to the streetscape, softens the built form and provides a unifying element within the street.

At present, the five lots between 40 and 48 Redan Street are occupied by single dwellings which are set in established gardens. This presents a varied and harmonious, well-vegetated streetscape which enhances the appearance of the Balmoral slopes and provides a significant tree canopy. The fact that Redan Street falls within the Mosman Scenic Protection Area indicates the value placed on this characteristic urban environment by Mosman Council and the wider community.

The proposed development will result in the loss of a number of established trees and other vegetation, reducing the tree canopy which provides shade for residents and habitat for the many native birds that inhabit the area. It makes no attempt to contribute to or maintain the existing leafy character of the streetscape or neighbourhood. In fact, its façade will significantly disturb the pattern of front gardens in the street. The proposed landscaping will do little to soften the built form across the front of the building because it will be designed to maximise views for residents.

The development allows for a 3 metre setback for most of the street frontage, which will not allow trees of substantial size to be planted in front of the apartments. It seems also that planter boxes will be substituted for deep soil gardens. Residents will not want their views obstructed by foliage, so the vegetation in the planter boxes will be kept low.

The rear setback at Redan Lane is only 2 metres wide and the ground there not see the sun, so the landscaping in that area will not be equivalent to the rear gardens of the existing properties. The trees that currently line the southern boundary of Lot 40 will need to be removed, to facilitate the relocation of the large stormwater pipe and to excavate for the deep basement carpark. The side setback here will be only 2 metres, insufficient to replace the current established vegetation.

The proposed landscaping will not preserve the established gardens that currently exist, is not in keeping with the character of the streetscape and may not be sufficient to sustain the flocks of cockatoos, lorikeets and magpies that currently frequent the area along Redan Street and Redan Lane.

15. PUBLIC TRANSPORT

Requirements

Principle 3 of the ADG cites the conditions necessary to sustain the proposed density of development. These include access to adequate public transport.

From 40 - 48 Redan Street it is a quite steep uphill walk of more than 10 minutes to the transport node at Spit Junction, from where buses to the city, Chatswood and the northern beaches are reasonably frequent. Buses from Upper Almora Street to the city are far less frequent and, from my own experience, erratic and unreliable. On the other hand, the more frequent B1 buses are always over-crowded when they reach Spit Junction en route to the city.

The transport route along Military Road is one of the most congested in Sydney. Travelling west towards the city (or Chatswood or anywhere away from the coast), traffic is always heavy. There are many sets of lights and additional traffic enters from the Cremorne and Neutral Bay areas, so progress is slow and delays are frequent. It is in no way a desirable or efficient public transport system in comparison to heavy rail, light rail or metro.

In the northerly direction, the Spit Bridge is a significant choke point, particularly at peak hour. It has only four traffic lanes in total, but for several hours each day, due to 'tidal' traffic management, there are three lanes open in one direction (north or south) and only one lane in the opposite direction. This inevitably creates long queues. The bridge also opens several times a day, bringing traffic to a stop in both directions. This often causes traffic to back up for hundreds of metres on either side of the bridge.

The developer suggests that ferries are another option, but I know from experience that the transport links to ferry services are very unreliable.

In terms of a location that offers good access to public transport for the occupants of 'affordable housing', Mosman is a poor choice. The area is serviced only by buses, which have limited capacity compared to heavy or light rail or a metro system, and whose progress is frequently impeded by traffic conditions. Services are often crowded, delays are frequent and reliability is a significant issue. There are no plans to improve the congested traffic situation on the major arteries in the foreseeable future.

16. TRAFFIC

Requirements

The SEARs required the developer to consider traffic impacts

Redan Lane is very narrow, to the extent that two cars rarely pass each other without one of them pulling into a driveway. There is a dogleg behind the heritage-listed semi-detached cottages which exacerbates the issue and causes visibility problems for vehicles approaching that area from opposite directions. Larger vehicles like delivery vehicles or the garbage collection truck, which navigates the lane at least twice a week, frequently have access difficulties and block other traffic. The developer alleges that there is sufficient width for a car to pass the garbage collection truck, but this does not happen unless the other vehicle pulls over into a driveway. It is more common for cars to change direction and proceed the other way along the lane to avoid larger service or delivery vehicles.

To exit from the local area and travel towards the city, it is necessary to turn onto Military Road. That is often difficult on this very congested road, especially at peak times. There is always a queue at the traffic lights at the intersection of Raglan Street and Military Road. At school pickup and drop off times, and in summer when Balmoral Beach is busy, the queue often extends across the roundabout at Muston Street. The alternative of turning right out of Upper Almora Street is fraught, due to a continuous stream of traffic through the village in both directions.

The developer has proposed that the new apartments be accessed on foot via Redan Lane. In fact, the affordable housing on Redan Lane can only be accessed on foot from the lane. As discussed in section 2 above, this is not a safe pedestrian route. If it is permitted, despite the obvious safety issues, it will further complicate the traffic situation in Redan Lane. The entrance to the lane from Upper Almora Street can be particularly congested due to its narrowness, parked cars and the common situation where two vehicles want to enter and exit the lane at the same time.

The vehicular traffic generated by an additional 53 dwellings will significantly affect the existing traffic flow problems in the local area, and Redan Lane is unsafe and completely unsuitable to use as the primary pedestrian access to the building

17. HERITAGE ISSUES

Requirements

Principle 1 of the ADG stresses the importance of considering the context of an area, including adjacent sites, the streetscape and the neighbourhood. Listed heritage items that cannot be demolished or developed are clearly an integral and important part of that context.

DCP Section 6.9 recognises specifically that sandstone rock faces are a feature of the Mosman environment that form part of its unique character and are to be protected.

I am genuinely shocked that it is proposed to bulldoze the stunning, large Federation property at 44 Redan Street and replace it with a modern multistorey apartment building of such scale that it will overwhelm the existing streetscape and destroy what is currently a harmonious, historic, landscape-dominated locality.

The proposed development is immediately adjacent to a pair of heritage listed semi-detached cottages. It will dwarf these existing homes. The developer claims that adopting a three-storey high podium at the south eastern edge of the site, set back 2 metres from the boundary, with

wider setbacks to sections of the development that reach higher levels, is 'providing a compatible scale and a considered transition'. However, a bulky three storey structure in such close proximity, backed by a higher tower section, will in itself visually dominate the cottages. The setbacks are insufficient to ameliorate the impact. It is clear from the photomontages that the heritage cottages will be completely overwhelmed by the scale of the new structure and that the proposed 'transition' is inadequate.

The architectural form of the development is completely out of character with the heritage listed properties, which will be retained for the foreseeable future and cannot be developed. It is also glaringly incongruous with the streetscape on the eastern side of Redan Street, the character of which will be preserved as part of the Mosman Scenic Protection Area.

The development will partially remove an existing protected sandstone rock wall that runs along the western side of Redan Street and forms part of the protected environment.

The developer claims that '[the] majority of the sandstone rock wall along Redan Street will be retained, including where adjacent to the subject site'. Obviously, some part of the wall in front of the proposed building will be destroyed, and it is not clear what efforts will be made to retain as much of it as possible. The claim that '[more] intact and larger sections of the wall will remain easily legible within the surrounding Mosman locality, including along Redan Street and Balmoral Avenue' suggests that the developer might intend to rely on the existence of areas of rock wall elsewhere on the slopes to satisfy the preservation objectives.

I note also that the developer plans to relocate a substantial stormwater pipe that drains the slopes above Redan Lane and currently runs between Lots 40 and 42 Redan Street. It appears likely that the pipe will be relocated adjacent to the heritage property at Lot 38, within the 2 metre setback area. It will need to exit into Redan Street through the sandstone rock wall, which is around 3 metres high at this location, and well vegetated. The developer has not provided any details of this civil work, or of any impact on the heritage sandstone wall.

Further, the developer proposes (EIS page 74) that construction traffic will enter the site from Redan Street. There are no details given of what measures will be taken to protect the rock wall and associated vegetation during the construction phase.

The development would irrevocably destroy what is currently a harmonious streetscape with historical and aesthetic value, including destroying an unspecified section of a heritage sandstone wall that is recognised as contributing to the special character of the local area.

18. PERSONAL IMPACTS

The impact of this development on my amenity, lifestyle and well-being is immense. The visual impacts and loss of existing views, sunlight, daylight and privacy are highlighted above. The Social Impact Report dismisses these as limited and minor. To me, they are overwhelming.

The Social Impact Report describes the impacts on the way of life of affected residents as '[l]ow to moderate negative impact, localised and primarily perceptual. Likely but limited in extent'. On the contrary, the negative impact of the development on **my** 'way of life' will be extremely high and certainly NOT 'perceptual'. Many of my neighbours will experience similar impacts. I estimate, from the drawings provided by the developer, that more than 40 households will experience significantly detrimental permanent impacts to their views, solar access and privacy. This compares to 42 new owners who will purchase outstanding views and amenity, and 11 who will have access to housing in a desirable area, many of them without the benefits of views, sunlight, privacy or good ventilation.

The identified mitigation measures involve referring to the rationale for the SSDA, communicating details of the proposal and providing ongoing information during construction. Not one of these measures will in any way ameliorate the devastating permanent impacts this development would have on my way of life and that of my neighbours.

The developer asserts that the negative impacts are warranted due to the 'public benefit' that will be achieved, in the form of 11 affordable houses. Considering the negative impacts on local residents and the wider community, which are set out in this submission, I contend that the cost to the community will far outweigh the alleged 'public benefit'.

During the protracted construction period (at least 2 ½ years), increased traffic and access disruptions would have significant impacts. The Social Impact Report characterises these impacts as '[l]ow negative during construction' and proposes mitigating them through communication. As someone who uses Redan Lane for vehicular access to a car parking space that is absolutely necessary due to the scarcity of parking on Muston Street, I foresee very significant disruption to my way of life.

From bitter experience, I know that the noise, vibration, dust and dirt generated during construction will also have severe negative consequences for nearby residents. Work will begin early in the morning, six days per week and end late in the day on five of those days. In particular, the rock-hammering required to excavate into sandstone for six months, and the noise of heavy vehicles removing the excavated material, will be major impacts. I am retired and my days are largely spent at home. It will be impossible to continue to enjoy my peaceful life during the excavation period. The construction impacts may not be permanent, but they will nevertheless be incredibly stressful for me and my neighbours. For us, they will not be 'low to moderate in magnitude' as claimed.

If the development proceeds, my husband and I (and others) will also suffer a disastrous financial loss. Our apartment represents the majority of our financial assets, and I estimate that its value will be reduced by around 40% (\$3 million) as a result of the impacts I have described above. If our current lifestyle cannot be sustained after the new apartments are constructed and we decide we have no choice but to relocate, we will not be able to afford to buy a similar home. Purchasing a new apartment in the block that has obliterated our view will be out of the question financially.

19. COUNCIL'S LONG-TERM STRATEGIC PLAN

With State Government agreement, Mosman Council has undertaken to consult with the community and prepare a long-term strategic plan that provides for the additional housing required to meet Council's contribution to the State's future housing needs and is also consistent with Council's aim of protecting and preserving the local natural and built environment. This process will determine the desired future character of each area within the municipality.

The community is looking to this process to safeguard its interests and assist in maintaining the current liveable environment in Mosman, including preserving the village character of the suburb. As the ADG and LEP recognise, good planning takes into account the whole of the environment. The 'one-size-fits-all' approach that would result from implementing the LMR policy in isolation from other planning considerations fails to do this.

The developer apparently envisages that all existing housing in the LMR area, with the exception of a few heritage items, will be replaced by multi-storey towers. This would mean the slopes above

Balmoral would be topped by a wall of eight to ten storey apartment blocks. I do not believe the community shares this vision. It would completely and irredeemably alter the character of the suburb, compromising the natural and built heritage of the area and diminishing the scenic amenity as seen from the harbour and foreshores.

If the current wave of development applications is not actively assessed against the provisions of the existing planning instruments, and those provisions are not applied, it will effectively allow developers to take control of the urban planning process. This would be in the interests of developers, but contrary to the interests of the community.

20. CONCLUSION

In my opinion, the proposed development at 40 - 48 Redan Street massively exceeds the maximum height permitted under the LMR policy, fails to comply with applicable planning controls and contravenes the principles of good urban design. It should not be approved.

With the agreement of the NSW government, Mosman Council is developing a strategic plan that will accommodate the required number of additional dwellings while ensuring that the character of the suburb is preserved and its infrastructure is not overwhelmed. It would be prudent to assess this development proposal against that strategic plan. If it were to go ahead, it would potentially stand out forever as a monumental failure of the State's urban planning system.

Yours faithfully,

Robyn Brewer