

30 March 2026

Concerned Resident of Balmoral Avenue

Edwina Ross  
Department of Planning, Housing and Infrastructure

**PLANNING OBJECTION TO SSD-93020230 (RESIDENTIAL DEVELOPMENT WITH IN-FILL AFFORDABLE HOUSING)**

**PROPERTY: 40-48 REDAN STREET, MOSMAN**

Dear Ms Ross,

I am writing to formally object to State Significant Development Application SSD-93020230 (**SSDA**) that is currently on public exhibition and being assessed by the Department of Planning, Housing and Infrastructure (the Department) for the demolition of the existing dwellings and construction of a new ten storey residential flat building at 40-48 Redan Street, Mosman.

I own and live in my property on Balmoral Avenue. For the reasons outlined in this letter, I will be significantly adversely impacted by the proposed development.

This submission is provided in **OBJECTION** to the proposed development in its current form. Due to the scale of the development and the associated impacts, the site cannot be considered suitable for the development. For the development to be considered acceptable, significant reductions in scale would be necessary.

I am particularly disappointed, as a nearby resident, that I was not contacted or meaningfully engaged with during the public consultation by the applicant, as part of their Social Impact Assessment. The proposed development and its significant impacts on the surrounding area came as a considerable surprise, and this failure of consultation has denied me the opportunity to contribute to the process at an early stage.

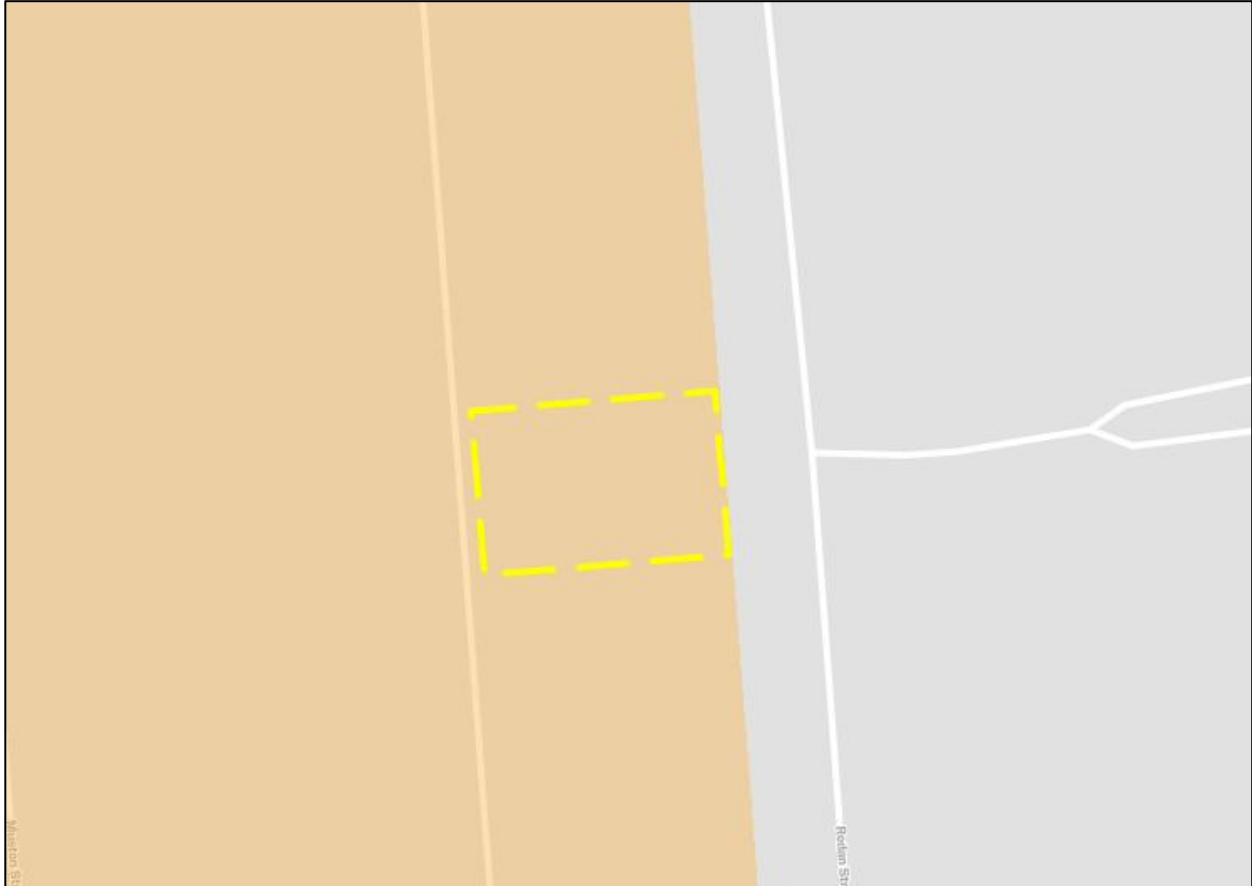
## **1. INTRODUCTION**

The application (SSD-93020230) has been submitted under the Low and Mid-Rise Housing Provisions in Chapter 6 of the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*. The built form has then been further increased pursuant to the affordable housing provisions of Chapter 2 of the Housing SEPP, to a maximum permitted height of 28.6m. The applicant is then seeking a 16.78% variation to this maximum height, to a proposed height of 33.4m.

As such, the proposed development substantially exceeds the development controls otherwise applicable to the development site under the Mosman Local Environmental Plan (**Mosman LEP**).

The site is located on the outer edge of the LMR Housing Area, with the eastern side of Redan Street outside the LMR area, as shown on Figure 1. Notwithstanding this, there is no transition in

scale afforded by the proposed development, but in fact an increase in scale far beyond what is anticipated by the LMR controls, even for land located in the actual local centre. Without any transition in height to surrounding development, the proposed building would impose an abrupt and visually dominant presence upon the locality. It is wholly inconsistent with the established streetscape and character of the area and is indicative of an overdevelopment of the site.



**Figure 1: LMR Map, with subject site in yellow**

The development seeks to capitalise on the LMR provisions, yet greatly exceeds the permissible controls and accordingly represents an unintended outcome of the Housing SEPP. Although the proposal would provide additional housing on the site, the aim of Chapter 6 of the SEPP is to encourage the development of low and mid-rise housing in areas that are well located with regard to goods, services and public transport. Regardless of subjective views of what constitutes 'low or mid-rise housing', the Department of Planning's website states 'Mid-rise housing is generally 3-6 storey apartment buildings'.

The development cannot be considered a type of medium density housing which is facilitated by the Housing SEPP and represents an overreach in its current form.

My points of objection to the proposed development are (in summary):

- Inconsistency and incompatibility within the established character and context of the locality
- Excessive building scale and height variation, inconsistent with the applicable planning controls
- Adverse and unacceptable visual and amenity impacts
- Adverse impacts upon the heritage significance of the area.

It is my contention that the proposed development, for reasons to be elaborated below, fails to comply with the aims and development standards set out in the Housing SEPP and the Mosman LEP. Those material breaches lead to significant adverse impacts on the locality and are not in the public interest.

For these reasons, it is imperative that the Department refuse the DA. Alternatively, any approval should only be considered subject to substantial reductions to the proposed development scale through an amended proposal.

## **2. DEVELOPMENT SITE CONTEXT AND LOCALITY**

The development site is located at 40-48 Redan Street, which is a collection of five dwelling houses near the intersection of Balmoral Avenue and Redan Street. It is important to understand the context in which the site is located.

Development on Redan Street is almost exclusively two storeys in height, with dwelling houses the predominant use. The only exceptions to this are on nearby streets such as Muston Street, which include residential flat buildings up to four storeys in height, however have a predominant scale of two or three storeys. Comparatively, Muston Street is closer to the Local Centre zone, which makes it arguably more suitable for higher density development compared to the subject site.

The applicant's documentation places an undue reliance on proposed developments which are currently in the process of preparing documentation, under assessment, recently refused or subject to an ongoing appeal matter. This creates a skewed representation of the character of the surrounding area, which is predominately 2-3 storey properties and not 10 storeys as proposed. The submitted view from sun diagrams within the plans present a misleading case that higher density development exists in the area.



**Figure 2: 3D Model of the Site – From Submitted Architectural Plans**

### **3. INCONSISTENCY WITHIN THE CONTEXT**

As indicated above, the surrounding context is predominately low-density housing, typically of two storeys in height. While I accept that the LMR and Infill Affordable Housing provisions of the Housing SEPP contemplate increased density in accessible locations such as this, the question is whether a 10-storey building with multiple height standard exceedances represents a proportionate and appropriate response to those policy objectives in this particular street. Furthermore, the development is located on the outer extent of the LMR area, with no meaningful transition in height to properties on the opposite side of Redan Street, which do not benefit from LMR provisions.

The proposed building reaches 33.4m at its highest point, exceeding the maximum bonus height by 4.8m or 16.78%. This height variation is particularly jarring in an area with a clear, existing character of two storey development. From Redan Street alone, the development will be a significantly out-of-place addition, with a scale up to four times the height of neighbouring properties. This impact is significantly greater for properties on the lower side of Redan Street and Balmoral Avenue.



**Figure 3: Proposed Modelling of Development as viewed from Redan Street – From Submitted Visual Impact Assessment**

The applicant notes that comparable SSD applications being assessed in the immediate vicinity are proposing buildings of six to seven storeys. The proposed development at 10 storeys therefore sits outside the range of what the same policy framework is delivering in practice in the same neighbourhood. It is difficult to characterise a 10-storey building as consistent with the desired future character of an area where comparable developments are coming forward at six to seven storeys.

The applicant's shadow diagrams demonstrate additional overshadowing on properties to the west and south as a direct result of the non-compliant height. Notably, this overshadowing extends beyond what would be anticipated from a compliant development, meaning the affected

neighbours are bearing an impact that is not a reasonable consequence of the applicable planning controls but rather a direct product of the excessive scale proposed.

In addition, the applicant's Visual Impact Assessment (VIA) confirms the bulk and scale impacts arising from the proposed 10 storey scale. The View Impact Assessment demonstrates there will be view loss as a result of the proposed height and overall width of the development.

These impacts are a direct result of providing a development which is out of scale within the context and applicable planning controls.

#### **4. EXCESSIVE BUILDING HEIGHT**

The proposed development results in a height variation of up to 4.8m or 16.78% to the applicable height of building development standard. This variation is particularly jarring when the full breadth of the non-compliance is considered, having regard to the bonuses already relied upon. This is broken down below:

- The allowable maximum height of the site under the LMR framework is 22m;
- An additional 30% bonus in building height or 6.6m is then added to the allowable height, subject to meeting affordable housing requirements.

This results in an 'allowable' height of up to 28.6m. Instead, the development seeks a height of up to 33.4m, which is effectively 1.5 storeys above the height limit and bonuses. This bonus is not a starting point for negotiation — it is the maximum uplift the policy framework provides. The applicant has therefore exhausted every available height concession within the statutory framework and is still seeking a further variation on top. Granting a Clause 4.6 variation above an already-maximised bonus sends a clear signal that the height controls in the Housing SEPP are not in practice a ceiling, which undermines the integrity of the policy framework and sets a concerning precedent.



**Figure 4: Proposed Height Variation in Section – From Submitted Clause 4.6 Request**

The applicant has provided a Clause 4.6 Request to address this variation. I note that there is a separate variation to the proposed wall height under the Mosman LEP, with the reasoning for the unacceptability of the proposed building height repeated for that variation.

The primary justification offered for the northern height exceedance is that massing has been redistributed from the south to the north in order to step the building down near the heritage items at 36-38 Redan Street. While this is a legitimate design aspiration, it is fundamentally a choice made by the applicant, not a constraint imposed by the planning framework. The applicant has elected to maximise the total floor space and then to concentrate the resulting bulk at the northern end of the site. A compliant design would require either reducing the total floor space or distributing it differently. The Clause 4.6 mechanism is not intended to accommodate the consequences of design choices that prioritise maximising yield.

The submitted Clause 4.6 Request provides a response to the objective under Section 15A of the Housing SEPP, which relates to in-fill affordable housing. No response is provided to the objective (or aim) of the LMR provisions of the SEPP. This represents a shortfall in the legal obligations of the written request pursuant to Clause 4.6(3) of the Mosman LEP.

As a requirement for a Clause 4.6 Request, the environmental planning grounds must be specific to the variation in question, not promoting the development in general. From my review of the grounds provided, these are representative of the incompatibility of the development within the context, which will result in adverse visual and amenity impacts.

Each environmental planning ground is discussed below:

- Massing and built form: This ground places a significant reliance on the non-compliance as it relates to the lift overrun, with limited consideration of the overall variation, particularly as it relates to the entire upper level of Level 9. It is abundantly clear that the upper level the subject of the variation will be visible from the public domain, due to the visual dominance of the development itself. Considering the nature of development in the surrounding locality, the proposed development cannot be considered an appropriate contextual fit, whereby a 10 storey development is proposed (with height variation) adjoining two storey buildings on all sides.
- Amenity: The variation seeks to justify the variation due to an absence of visual or acoustic privacy impacts from the upper level. This ground should be given limited weight, as it does not justify why a variation is acceptable in this case, instead presenting an absence of impacts due to the disparity in building heights on surrounding lots. In other words, had 50 Redan Street been built to a similar height, there would be considerable adverse privacy impacts from the upper level roof terrace, though this is not a factor due to the 8 storey difference in height.
- Overshadowing: This ground seeks to justify the proposed height variation on the basis of the 'minor overshadowing' from the proposed variation. It is not reasonable for the additional shadowing impacts to be supported, given the proposed development already results in considerable shadowing impacts as a result of the lower 9 storeys, with the upper storey further compounding the shadowing impacts on neighbouring properties. The shadow diagrams are also contingent on 'proposed future development' on nearby lots – this creates a clear misrepresentation of the actual proposed shadowing impact. In this regard, this ground should not be accepted.

- Views: This ground should not be accepted as it seeks to facilitate an unjustifiable view impact, stating that the proposed design is skilful. Contrary to the planning principle established in *Tenacity*, the extent of view impact could be reduced or avoided had the proposed development been to a lower and compliant building height. The view impact cannot be considered reasonable.

Given the above, the proposed Clause 4.6 to Building Height cannot be accepted as there are not sufficient planning grounds to justify the variation.

In seeking to justify the proposed building height, the Clause 4.6 refers to DPHI's In-Fill Affordable Housing Practice Note, stating:

*"Local development standards should be applied flexibly and need to be balanced against the need to realise more affordable housing".*

The applicant calls for flexibility in applying local standards to facilitate affordable housing, while simultaneously proposing a height variation above the Housing SEPP's own bonus provisions.

Considering the scale of the building, the extent of the height variation, the lack of compatibility with surrounding heights and resulting adverse impacts, as well as the legal shortcomings of the submitted Clause 4.6 request, the proposed height variation is unacceptable and should not be supported by the Department.

## 5. ADVERSE VISUAL IMPACTS

The site is mapped as Scenic Protection land under Section 6.4 of the Mosman LEP. The objectives of this clause are specifically to:

- recognise and protect the natural and visual environment of Mosman and Sydney Harbour,
- to reinforce the dominance of landscape over built form, and
- to ensure development minimises its visual impact.

A 10 storey residential flat building of this scale fundamentally conflicts with all three of these objectives. The submitted Visual Impact Assessment (VIA) concedes there is visibility of the proposal from foreshore areas and acknowledges "high levels of visual effects" from multiple viewpoints. This is a significant concession, without meaningful justification provided in the assessment to demonstrate *why* the proposed significant visual impacts are acceptable. This is not a finding of no impact; it is a finding of significant impact said to be justified by other considerations.

The building exceeds the maximum permissible height of 28.6m (itself already a significant uplift from the base 8.5m LEP control) by up to 4.8m at the northern lift overrun, reaching 33.4m. This non-compliant additional height is precisely what generates the most visible portion of the building from public vantage points. The Clause 4.6 variation for exceeding the building height acknowledges the exceedance relates to the uppermost built form at the northern end, and the VIA separately analyses the visual impact of the non-compliant portion. In other words, the variation represents an avoidable visual impact in a protected scenic area.

The VIA argues that stepping the building down from 10 storeys in the north to 5 storeys in the south constitutes a positive design response. However, from most public vantage points, particularly from the east on Balmoral Avenue and from the foreshore, the northern 10-storey tower form will dominate the skyline regardless of what occurs to the south of the site. The stepping primarily benefits the southern heritage neighbours rather than reducing the overall visual impact of the development on the broader scenic landscape. The model photograph included in the Clause 4.6 Building Height report actually illustrates this point clearly — the northern tower is visually prominent and conspicuous against the surrounding low-density context.



**Figure 5: Proposed Development in Context, as viewed from the south-east – From Submitted Clause 4.6 Request**

In reviewing the VIA, I note the absence of any photomontages from properties to the east, particularly from the public domain on Balmoral Avenue. This significant lack of information is likely due to the considerable scale of the development when viewed from the lower slopes of Mosman. The submitted VIA is therefore providing an incomplete analysis of the visual impacts of the proposed development. The proposed development has not been designed to minimise its visual impact on those environments, as required under Section 6.4: Scenic Protection under the Mosman LEP. Instead, the 10 storey development will present an overbearing building height to surrounding areas, unlike any other development in the broader Mosman Council area.

The site is located in close proximity to Middle Harbour and Balmoral Beach, within the Sydney Harbour foreshores. The Sydney Harbour foreshore is not merely a local amenity; it is a landscape of state and national significance. The VIA acknowledges that the proposal may be visible from Sydney Harbour, though it concludes the impacts would not be "significant or unreasonable." It is unclear to me how a development of this scale in a two storey context would not result in a significant, adverse visual impact on the foreshore.

Clause 6.4(3) of the Mosman LEP (Scenic protection) states:

- (3) Development consent must not be granted to any development on land to which this clause applies unless the consent authority is satisfied that—*
- (a) measures will be taken, including in relation to the location and design of the proposed development, to minimise the visual impact of the development to and from Sydney Harbour, and*
  - (b) the development will maintain the existing natural landscape and landform.*

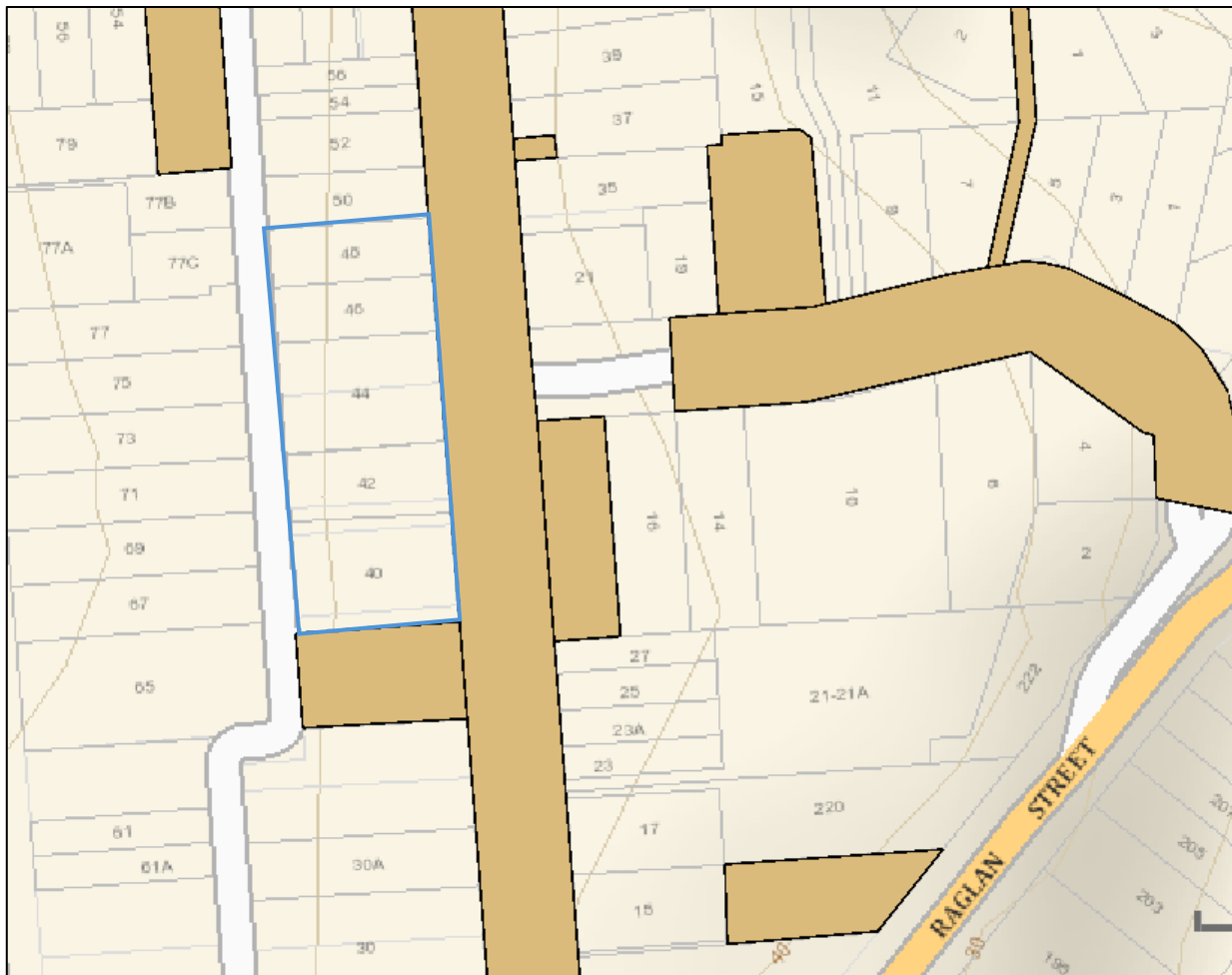
The above clause is a pre-condition, which the proposed development does not satisfy in its current form as:

- There is insufficient information to demonstrate the proposed development has been designed to minimise the visual impact of the development to and from Sydney Harbour. This is particularly the case where any montages from the lower slopes of Mosman, even those which are located within 50m of the site are absent from the submitted assessment documentation. This undermines the assessment provided and is likely a function of the significant visual impact that can be attributed to the scale of the proposed development and the non-compliant building height proposed; and
- The inability of the development to maintain the existing natural landscape and landform, as a result of significant excavation and over-scaled development which demonstrates a clear misconstruction of what is acceptable development within the existing and desired character of Mosman and under the Mosman LEP and Housing SEPP.

The development, as proposed, represents a significant departure from Clause 6.4 as it results in adverse visual impacts, the true extent of which is unknown.

## 6. HERITAGE IMPACTS

The subject site sits within one of the most heritage-sensitive residential settings in Mosman. It is immediately adjacent to the pair of semi-detached houses at 36-38 Redan Street (LEP Heritage Item I262) and the house at 29 Redan Street (LEP Heritage Item I261), and it directly fronts Redan Street itself, also listed as a heritage item (LEP Item I440). The cumulative heritage sensitivity of this immediate setting — a heritage streetscape containing listed residential buildings on both sides of the subject site, framed by a heritage-listed road — requires any proposed development meet a high standard of heritage compatibility. It is submitted that the proposed development fails to meet that standard in multiple fundamental respects, and that the application should be refused accordingly.



**Figure 6: Mosman LEP Heritage Map – the site in blue**

The heritage items immediately adjoining and fronting the subject site are low-scale residential buildings of one to two storeys. The proposed development reaches 10 storeys at its northern end and 5 storeys at its southern end — the portion directly adjacent to the heritage semi-detached houses at 36-38 Redan Street. The applicant presents this stepped form as a sensitive heritage response. However, a 5-storey wall of built form immediately adjoining a two-storey heritage dwelling represents an overwhelming imposition on the setting and curtilage of that item that no degree of setback, articulation or landscaping can adequately mitigate.

The visual scale of the built form would also erode the significance of the heritage listed Redan Street. As per the Statement of Significance, Redan Street is integral to the Municipality's visual

character. By providing a built form up to 10 storeys in height, this would dominate, overshadow and visually overwhelm the street, permanently diminishing the heritage significance and the community's ability to appreciate and understand their heritage values in context.

Instead of reducing the overall development height, the stepping of height simply transfers the bulk and scale impact from the southern heritage neighbours to the northern neighbour at 50 Redan Street. Regardless of this change, a pedestrian on Balmoral Avenue (which is a heritage listed street) will continue to perceive the development as a domineering 10 storey development, which significantly detracts from the heritage significance of the locality. This is not a heritage-sensitive outcome.

By virtue of the heritage significance of 36-38 Redan Street and 29 Redan Street, those properties will not be able to be developed beyond their existing scale. Although the proposed development may establish a new precedent of up to 10 storeys, the heritage properties will retain the existing two storey scale, which is reflective of the surrounding area. In other words, there will be no future opportunities for a transition in scale beyond what is currently proposed.

Considering the adverse heritage impacts, which can primarily be attributed to the bulk and scale of the development, the application is unacceptable from a heritage perspective.

## **7. RECOMMENDATIONS AND CONCLUSION**

The justification for the proposed development leans heavily on the LMR and affordable housing provisions of the Housing SEPP. However, not only does the development seek to depart from these building envelope bonuses, but it pushes a design which would be a jarring addition to the neighbourhood.

The proposed development seeks a variation to both the building height (inclusive of bonus) and wall height development standards. As detailed in this submission, this results in a development scale which is incompatible with the surrounding two storey context and contributes to adverse heritage, visual and amenity impacts.

The development demonstrates very little regard to the established character of Mosman and instead presents a misleading case of Mosman as comprising high-density development similar to that proposed.

Considering the above matters, I urge the Department to refuse SSD-93020230 or require substantial reductions in scale.

Yours faithfully,

Concerned resident of Balmoral Avenue.