

Submission: Application no. SSD-93020230

40-48 Redan Street Mosman

Residential Development with In-fill Affordable Housing

Summary

This application claims that 40–48 Redan Street is within 400 metres “walking distance” of the town centre and therefore in the “LMR inner area”. It is not. When the route is measured in accordance with the Housing SEPP definition of “walking distance”, the site falls within the 400–800 metre “LMR outer area”.

That is because the applicant’s proposed routes depend on an unsafe crossing of Almora Street and, in one case, unsafe use of Redan Lane. Properly measured, using a route that may be safely walked and that uses public footpaths and pedestrian crossings as far as reasonably practicable, the site is outside 400 metres.

In seeking to increase density, the Housing SEPP deliberately distinguishes between “inner” and “outer” areas and applies materially different development standards to each. That distinction was made for important policy reasons and should not be undermined by reliance on a route that does not satisfy the statutory concept of safe walking distance.

The developer can and should prepare a design that is consistent with the already generous “LMR outer area” standards. In the time available, we have focused only on the walking-distance issue. However, we have also had the benefit of reading the submissions of Mr and Mrs Drane and agree with the concerns they raise.

The application’s proposed walking routes

The applicant claims that the site is within the ‘LMR inner area’ by referring to two walking routes:

- **Walking route 1** - the route shown in Figure 14 on page 28 of the Environmental Impact Statement (EIS); and
- **Walking route 2** - the route shown in Figure 13 on page 16 of the Transport Impact Assessment.

The application does not make clear which route is being relied on for the purposes of the 400-metre walking distance calculation. However, this is unimportant because both routes fail that test.

The site is actually within the 400 - 800m ‘LMR outer area’, as explained below.

The meaning of 'walking distance'

The State Environmental Planning Policy (Housing) 2021 defines 'walking distance' as:

“...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.”

Two critical parts of this definition are that the route:

- can be **safely walked**; and
- uses, **as far as reasonably practicable, public footpaths and pedestrian crossings.**

Both walking routes proposed by the applicant fail these critical parts of the definition because:

- it is clearly **unsafe to cross Almora Street** where the applicant has proposed, and there is an alternative public pedestrian crossing nearby that is safe and should be used instead; and
- it is clearly **unsafe to use Redan Lane as part of the walking route**, and there is a public footpath along Redan Street that is safe and should be used instead.

When properly measured, using the readily-available designated public footpaths and pedestrian crossings, the actual safe 'walking distance' route from the town centre to 40-48 Redan St is squarely within the 400 – 800 metre 'LMR outer area'.

We have explained in further detail why the crossing of Almora Street and the use of Redan Lane are unsafe below.

Crossing Almora Street

Why the applicant's proposed crossings are unsafe

The first fundamental issue with both walking routes 1 and 2 is that they propose a crossing of Almora Street at locations which are easily demonstrated to be unsafe and inconsistent with the 'walking distance' definition.

Crossing Almora Street at these locations is unsafe, including because:

- The crossings shown involve no kerb ramp and require pedestrians to cross a busy two-lane road at an unmarked location.
- Almora Street curves down from Military Road, with poor line of sight for drivers approaching the crossing points. The double unbroken lines are consistent with that safety concern.

- If the 48-50 Almora Street development application proceeds as proposed, there will be an additional hazard created by vehicles entering and exiting that site near the proposed crossing point, particularly in relation to Route 2.
- Page 15 of the Transport Impact Assessment lodged with the 48-50 Almora Street DA refers to a previous moderate injury collision between a car and a pedestrian crossing at the same location as the Route 1 crossing.
- In addition to motor vehicles, there are designated bike lanes on each side of Almora Street running from the intersection with Military Road, adding the risk of bike-pedestrian collisions.

This argument is strengthened by the Sydney Western City Planning Panel’s Minto decision (available [here](#)), where the panel rejected a sub-400 metre route because it required pedestrians to cross a road without a pedestrian crossing or signalised intersection, and held that the route could not be “safely” walked, particularly by children or the less able. That decision is not binding, but it is directly instructive.

We draw your attention to the fact that the applicant has provided no written or photographic material to support the proposed crossings of Almora Street, despite addressing other parts of the route in this way. We suggest that this is because the applicant knows that the crossings are a fatal flaw in both its proposed walking routes.

To assist your assessment, we provide the photographs 1 – 4 on the pages that follow:



Photograph 1: Proposed crossing for walking route 1



Photograph 2: View driving down Almore St, showing curve in road, poor visibility of crossing for walking route 1, and bike lane markings



Photograph 3: View driving up Almore St, showing curve in road, double lines, and poor visibility of proposed crossing for walking route 1



Photograph 4: Proposed crossing for walking route 2

The alternative, safe crossing that is readily available

An important factor is the existing, marked pedestrian crossing at the intersection of Almora Street and Military Road. That crossing has clear signage, is raised, has a differentiated surface treatment, and is marked as a zebra crossing.

The definition of ‘walking distance’ requires the use of public pedestrian crossings ‘as far as reasonably practicable’. In these circumstances, it seems plainly reasonably practicable to use a route that crosses at the existing formal crossing, rather than at the unmarked crossing points relied on in the application. We include photographs of the proper, public crossing below to assist:



Photograph 5: Public pedestrian crossing at corner of Almore St and Military Rd



Photograph 6: Public pedestrian crossing at corner of Almore St and Military Rd



Photograph 7: Public pedestrian crossing at corner of Almore St and Military Rd

The contrast is stark. The application relies on two unsafe, informal crossing points on Almore Street while disregarding a nearby formal pedestrian crossing that has clear signage, raised treatment, differentiated surface treatment and zebra markings. This is a clear case in which it is reasonably practicable to use the existing safe public pedestrian crossing, as required by the walking-distance definition.

If the proposed crossings of Almore Street were accepted, it would create a damaging precedent for other applications seeking to rely on shorter but unsafe walking routes. That would undermine NSW Parliament’s decision to use ‘safe walking distance’ as the basis for the important distinction the Housing SEPP draws between inner and outer areas.

Using Redan Lane as part of the walking route

Walking route 1 has a further fatal flaw: the proposed use of Redan Lane as part of the route.

Page 27 of the EIS states as follows:

*“The pedestrian links connecting into the laneway and the pedestrian movement data outlined above confirms that Redan Lane functions **in a manner similar to that of a shared zone**. Redan Lane’s low traffic environment provides a **safe and convenient pedestrian access** forming part of the walking route to the Spit Junction town centre in accordance with the Housing SEPP definition of “walking distance”.”*

The claim that Redan Lane is ‘similar to ... a shared zone’ is plainly false. Use of Redan Lane as a walking route is unsafe because:

- The lane is too narrow to allow vehicles and pedestrians to use it safely at the same time, particularly when cars are parked along the left-hand side.
- There is no dedicated pedestrian path or footpath, so pedestrians are required to share the same constrained space as moving vehicles.
- The lane does not have the features ordinarily associated with a safe pedestrian route, such as shared-zone treatment, marked pedestrian priority or other traffic-calming measures.
- Lighting in the lane is poor at night, making it harder for drivers to see pedestrians and making the route less safe and less suitable as a pedestrian access way.
- Visibility at the exit of the lane onto Almora Street is poor, particularly in relation to vehicles approaching from the east and turning into the lane, creating an additional conflict point for pedestrians.

The photograph used as Picture 13 in the EIS, described as “Redan Lane view south at the corner of Almora Street”, is taken well into the lane rather than at the actual corner. It does not show the even more constrained conditions at the entrance to the lane from Almora Street.

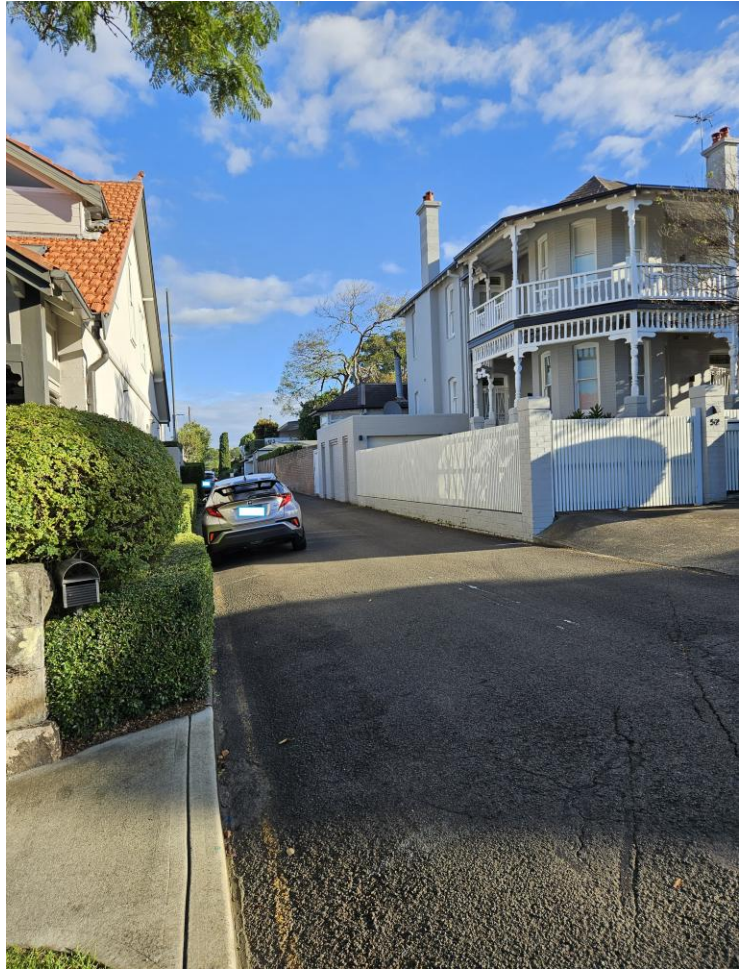
At the actual entrance to Redan Lane, particularly when cars are parked on the left-hand side, there is clearly insufficient room for vehicles travelling in both directions and pedestrians to use the lane safely at the same time.

The danger will only be heightened by the large amount of additional traffic that will use Redan Lane in the coming years as a result of the increased density planned for the lots exiting onto it (albeit appropriate density, utilising the correct, ‘LMR outer area’ standards).

See photographs on the next page.



Photograph 8: Actual entrance to Redan Ln from Almora St



Photograph 9: Actual entrance to Redan Ln from Almora St



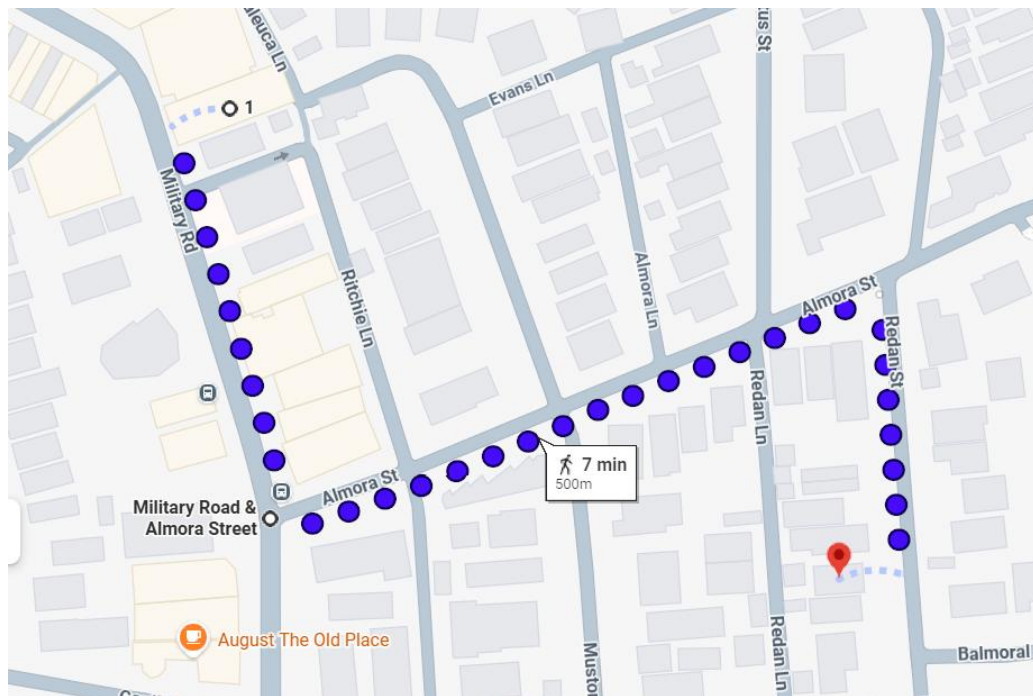
Photograph 10: Pedestrian view exiting Redan Ln, showing poor visibility of traffic entering from Almora St

The correct walking route

The correct walking route in this instance, being a route that can be safely walked and that uses public footpaths and pedestrian crossings as far as reasonably practicable (as required by the 'walking distance' definition), would involve the following steps:

1. using the public pedestrian crossing at the intersection of Almora Street and Military Road;
2. using the public footpath to travel East down Almora Street; and
3. using the public footpath to travel South down Redan Street.

When using this proper walking route, the walking distance is well in excess of 400 metres (at least 500m), and clearly within the 400 – 800 metre 'LMR outer area', as shown below:



The applicant should not be permitted to make a mockery of the good intentions behind the LMR scheme and State Significant Development pathway by carelessly disregarding the already very generous rules that apply to the 'LMR outer area'.

Broader design issues

In light of the fundamental flaw identified in this submission, and the limited time available to comment, we are not seeking to provide comments on the numerous other issues with this application.

However, we have had the benefit of reviewing the submission of fellow residents Mr Stephen Drane and Mrs Liz Drane. We agree with the issues raised by Mr and Mrs Drane and wish for those issues to be treated as incorporated into our submission as well.

Conclusion

We trust that this submission is useful in assisting with your assessment of this development application.

If you wish to discuss any element of this submission, please feel free to contact us at tomkatenquiries@gmail.com

Thank you for your consideration.

Sincerely,

Thomas and Kathryn